

OFFICIAL JOURNAL  
OF THE  
**SENATE**  
OF THE  
STATE OF LOUISIANA

**NINETEENTH DAY'S PROCEEDINGS**

**Twenty-Seventh Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, May 2, 2001

The Senate was called to order at 1:30 o'clock P.M., by Hon.  
John Hainkel, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their  
names:

**PRESENT**

Mr. President	Ellington	Lentini
Bajoie	Fields, C	Malone
Barham	Fields, W	Marionneaux
Bean	Fontenot	McPherson
Boissiere	Gautreaux	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Total—36		

**ABSENT**

Heitmeier	Lambert	Tarver
Total—3		

The President of the Senate announced there were 36 Senators  
present and a quorum.

**Prayer**

The prayer was offered by Senator Hollis, following which the  
Senate joined in pledging allegiance to the flag of the United States of  
America.

**Reading of the Journal**

On motion of Senator Hollis, the reading of the Journal was  
dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the House**

The following Messages from the House were received and read  
as follows:

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of  
Representatives has finally concurred in the following Senate  
Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 85—**

BY SENATOR DARDENNE

**A CONCURRENT RESOLUTION**

To offer the condolences of the members of the legislature, past and  
present, to the family of Charles William "Bill" Roberts and to  
gratefully acknowledge his extraordinary career of public service,  
on behalf of the citizens of the state.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Privilege Report of the  
Legislative Bureau**

May 2, 2001

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following  
report:

The following bills are approved as to construction and  
duplication. We advise and suggest the following amendments to the  
engrossed bills.

**HOUSE BILL NO. 48—**

BY REPRESENTATIVE HAMMETT

**AN ACT**

To enact R.S. 56:116.3(G), relative to deer hunting; to authorize the  
use of a dog to trail wounded or unrecovered deer; and to  
provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 175—**

BY REPRESENTATIVES ILES, E. ALEXANDER, ANSARDI, BAUDOIN,  
BROOME, CAZAYOUX, DURAND, FRITH, LAFLEUR, MORRELL, GARY  
SMITH, AND JANE SMITH AND SENATORS CAMPBELL, DUPRE, HOLLIS,  
AND MOUNT

**AN ACT**

To enact Chapter 8-H of Title 45 of the Louisiana Revised Statutes  
of 1950, to be comprised of R.S. 45:844.11 through 844.15,

relative to telephone solicitation; to provide for a "do not call" listing of residential telephone subscribers; to provide for listing procedures; to prohibit certain acts; to provide for notification; to provide for penalties for violations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 192—**

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:421.6(C), relative to salary adjustments for certain public school teachers holding certificates issued by the National Board for Professional Teaching Standards; to provide conditions for receiving the adjustment; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 221—**

BY REPRESENTATIVES CRANE AND JANE SMITH AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:7(6)(b)(i), relative to teacher certification requirements; to extend the length of time for which certain out-of-state teachers are granted nonrenewable provisional teaching certificates; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 482—**

BY REPRESENTATIVE PRATT

AN ACT

To amend and reenact R.S. 17:81.6, relative to the investigation of school employees; to require the establishment of uniform procedures for the investigation of employees accused of certain irregularities or improprieties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 489—**

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To enact R.S. 17:1952(B)(10), relative to procedural safeguards with respect to children with exceptionalities; to provide relative to procedures for hearings and appeals regarding the provision of special education and related services to such children; to provide certain time limitations for such hearings and appeals; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 730—**

BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 47:301(7)(i) and (10)(t), relative to local sales and use taxes; to exclude the sale, lease, or rental of tangible personal property by a person if such sale, lease, or rental is covered under the provisions of Medicare; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 984—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:306(B)(11)(a), relative to the state sales and use tax; to increase the effective period of an exemption identification number issued for an exemption from the payment of advance sales and use tax; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 985—**

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:1582, relative to the Department of Revenue; to authorize the collection of the cost of federal refund offset fees from the tax debtor; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 987—**

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:1561.2, relative to the secretary of the Department of Revenue; to authorize the secretary to recover certain rebates, reimbursements, or refunded amounts; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 988—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1520, relative to the Department of Revenue; to authorize the secretary to require electronic filing of tax returns or reports for certain taxpayers; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 989—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:299.5 and 299.35, relative to the individual income tax; to increase the fee for income tax refund offsets; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 992—**

BY REPRESENTATIVES HAMMETT, ALARIO, DARTEZ, DURAND, FARRAR, FAUCHEUX, HEATON, HUNTER, L. JACKSON, M. JACKSON, LANDRIEU, MONTGOMERY, AND ODINET

AN ACT

To enact the Louisiana Tax Delinquency Amnesty Act; to provide for definitions; to require the Department of Revenue to establish a tax amnesty program as provided for in this Act; to provide for terms and conditions of the program; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 993—**

BY REPRESENTATIVES HAMMETT AND DANIEL

AN ACT

To amend and reenact R.S. 39:128(B)(1), relative to capital outlay budget execution; to exempt from inclusion in the capital outlay budget certain projects for certain higher education institutions; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 994—**

BY REPRESENTATIVE HAMMETT

AN ACT

To enact the Uniform Sales and Use Tax Administration Act to authorize the Louisiana Department of Revenue to enter into the Streamlined Sales and Use Tax Agreement with one or more other states; to provide that any agreement must meet certain standards; to provide with respect to the limited binding and beneficial effects of the agreement; to provide with respect to certified service providers and certified automated systems; to provide an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1076—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1907(F)(2), relative to assessors; to provide requirements for certification of assessors; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1111—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 47:1901, 1902, and 1904, relative to assessors; to delete certain obsolete election provisions; to provide relative to the filing of bonds and oaths of office; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1119—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 47:1923(A) and to enact R.S. 47:1923(C), relative to the Assessors' Insurance Fund; to authorize assessors to enter into contracts for disability insurance; to provide relative to the administration of the fund; to provide for the remittance of premiums; to provide for penalties for delinquent payments; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1284—**

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:1947(A)(9) and to enact R.S. 17:1943(12), relative to special education and related services for children with exceptionalities; to provide relative to responsibilities of local educational agencies in the provision of special education and related services to such children; to provide for definitions relative to residency of such children; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1284 by Representative Crane

**AMENDMENT NO. 1**

On page 1, line 18, following "resident" and before "the" change "of" to "within"

**HOUSE BILL NO. 1401—**

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:3997(A)(1), relative to charter school employees; to provide for the authority of a charter school to employ faculty and staff; to permit certain contracts between a nonprofit organization and a for-profit organization to manage a charter school; to provide for the delegation by a nonprofit organization of authority over employment decisions at the charter school; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1492—**

BY REPRESENTATIVES DEWITT, LEBLANC, MURRAY, POWELL, THOMPSON, R. ALEXANDER, BAYLOR, BRUNEAU, K. CARTER, R. CARTER, CLARKSON, CRANE, DANIEL, DEVILLIER, DIEZ, DOERGE, ERDEY, FAUCHEUX, FLAVIN, FRITH, FRUGE, GALLOT, HEATON, JOHNS, KATZ, KENNARD, KENNEY, LANCASTER, McDONALD, MCMAINS, MONTGOMERY, ODINET, PIERRE, PINAC, PITRE, PRATT, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, JACK SMITH, JANE SMITH, STELLY, STRAIN, TOWNSEND, TRICHE, WADDELL, WALSWORTH, AND WELCH

AN ACT

To amend and reenact R.S. 11:156, 225, 502.5(C), 827 through 829, 929(C), (D), and (E), and 1166(A), (B), and (C), R.S. 22:2(F), 11(A), 215(E), 215.11(D), 215.14(A), 215.21(A), 228.7(A), 230.1(A), 230.4(B), 232(13), 239.1(A)(2), 250.32(E), 250.33(D), 250.37(A)(2) and (B)(2), 669(A)(1)(a), 1061(B), and 3002(1)(b), R.S. 36:4(B)(15), R.S. 40:1300.145, 2204(D)(1) and (3), and 2724(E), R.S. 42:456(A)(1), Chapter 12 of Title 42 of the Louisiana Revised Statutes of 1950, comprised of R.S. 42:801 through 883, R.S. 44:12, and Code of Civil Procedure Article 84; to enact R.S. 49:968(B)(21)(c), all relative to the State Employees Group Benefits Program; to provide for reorganization of the group state life and health insurance program; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT

Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Ullo, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

**Motion to Make Special Order**

Senator Schedler asked for and obtained a suspension of the rules for the purpose of making House Bill No. 1492, which was just advanced to a third reading and final passage, Special Order of the Day No. 1 on Thursday, May 3, 2001 immediately following the Morning Hour.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 271—**

BY REPRESENTATIVE LANCASTER

**AN ACT**

To amend and reenact R.S. 24:53(I), relative to the annual lobbyist registration fee; to provide for an annual lobbyist registration fee; to remove the fee for filing supplemental registration forms; and to provide for related matters.

**HOUSE BILL NO. 670—**

BY REPRESENTATIVE LUCAS

**AN ACT**

To amend and reenact R.S. 47:463.4(F), relative to vehicle parking privileges for mobility-impaired persons; to increase the time a mobility-impaired person may remain parked in a time-restricted parking place; and to provide for related matters.

**HOUSE BILL NO. 496—**

BY REPRESENTATIVES SCHNEIDER, JOHN SMITH, CURTIS, DEWITT, DOERGE, DOWNER, AND WALSWORTH AND SENATOR SMITH

**AN ACT**

To enact R.S. 11:246(A)(10), relative to the State Police Pension and Retirement System; to provide with respect to benefits; to provide with respect to the payment of cost-of-living adjustments; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 838—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 11:2220(F) and (G) and R.S. 22:1419(A)(3) and to enact R.S. 11:2220(H), relative to the Municipal Police Employees' Retirement System, but limited to members who were merged into the system from the Police Pension Fund for the Police Department of the City of New Orleans; to provide with respect to benefits and cost-of-living adjustments; to provide for payment of certain benefits from certain funds derived from an assessment on the gross premiums collected by insurers; and to provide for related matters.

**HOUSE BILL NO. 445—**

BY REPRESENTATIVE GARY SMITH

**AN ACT**

To enact R.S. 36:610(B)(8) and R.S. 56:331, relative to crab fishing; to create the Crab Task Force; to provide for its membership and responsibilities; and to provide for related matters.

**HOUSE BILL NO. 480—**

BY REPRESENTATIVE ODINET

**AN ACT**

To enact R.S. 36:610(B)(8) and R.S. 56:333.2, relative to mullet fishing; to create the Mullet Task Force; to provide for its membership and responsibilities; and to provide for related matters.

**HOUSE BILL NO. 967—**

BY REPRESENTATIVE MARTINY

**AN ACT**

To repeal Code of Criminal Procedure Article 876, relative to post-sentencing investigations.

**HOUSE BILL NO. 1427—**

BY REPRESENTATIVE PIERRE

**AN ACT**

To amend and reenact R.S. 56:302.1(C)(2)(c), relative to charter fishing licenses; to make charter passenger fishing trip licenses available to residents; and to provide for related matters.

**HOUSE BILL NO. 1471—**

BY REPRESENTATIVE WINSTON

**AN ACT**

To amend and reenact R.S. 15:574.12(B), relative to information on offenders and ex-offenders; to provide for the release of information to certain persons; and to provide for related matters.

**HOUSE BILL NO. 1840—**

BY REPRESENTATIVES WOOTON AND MARTINY

**AN ACT**

To amend and reenact R.S. 49:191(13) and to repeal R.S. 49:191(11)(j), relative to the Department of Public Safety and Corrections, including provisions to provide for the re-creation of the Department of Public Safety and Corrections and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

**HOUSE BILL NO. 1676—**

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 56:326(A)(12)(a) and (c), relative to size and possession limits; to provide for stone crab size limits; to provide for holding live stone crabs while on board a vessel; and to provide for related matters.

**HOUSE BILL NO. 643—**

BY REPRESENTATIVE STRAIN

AN ACT

To enact R.S. 13:2618, relative to justices of the peace in the parishes of Ascension, St. Charles, St. James, St. John the Baptist, and St. Tammany; to provide for exemption from certain limitations provided by state law in litter violations; and to provide for related matters.

**HOUSE BILL NO. 538—**

BY REPRESENTATIVE CAZAYOUX

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to city court jurisdiction; to increase the jurisdictional limitation in the city court of Port Allen and the city court of Oakdale; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions**

Senator Ullo asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE BILL NO. 271—**

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 24:53(I), relative to the annual lobbyist registration fee; to provide for an annual lobbyist registration fee; to remove the fee for filing supplemental registration forms; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 445—**

BY REPRESENTATIVE GARY SMITH

AN ACT

To enact R.S. 36:610(B)(8) and R.S. 56:331, relative to crab fishing; to create the Crab Task Force; to provide for its membership and responsibilities; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 480—**

BY REPRESENTATIVE ODINET

AN ACT

To enact R.S. 36:610(B)(8) and R.S. 56:333.2, relative to mullet fishing; to create the Mullet Task Force; to provide for its membership and responsibilities; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 496—**

BY REPRESENTATIVES SCHNEIDER, JOHN SMITH, CURTIS, DEWITT, DOERGE, DOWNER, AND WALSWORTH AND SENATOR SMITH

AN ACT

To enact R.S. 11:246(A)(10), relative to the State Police Pension and Retirement System; to provide with respect to benefits; to provide with respect to the payment of cost-of-living adjustments; to provide an effective date; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 538—**

BY REPRESENTATIVE CAZAYOUX

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to city court jurisdiction; to increase the jurisdictional limitation in the city court of Port Allen and the city court of Oakdale; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 643—**

BY REPRESENTATIVE STRAIN

AN ACT

To enact R.S. 13:2618, relative to justices of the peace in the parishes of Ascension, St. Charles, St. James, St. John the Baptist, and St. Tammany; to provide for exemption from certain limitations provided by state law in litter violations; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 670—**

BY REPRESENTATIVE LUCAS

AN ACT

To amend and reenact R.S. 47:463.4(F), relative to vehicle parking privileges for mobility-impaired persons; to increase the time a mobility-impaired person may remain parked in a time-restricted parking place; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 838—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 11:2220(F) and (G) and R.S. 22:1419(A)(3) and to enact R.S. 11:2220(H), relative to the Municipal Police Employees' Retirement System, but limited to members who were merged into the system from the Police Pension Fund for the Police Department of the City of New Orleans; to provide with respect to benefits and cost-of-living adjustments; to provide for payment of certain benefits from certain funds derived from an assessment on the gross premiums collected by insurers; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 967—**

BY REPRESENTATIVE MARTINY

**AN ACT**

To repeal Code of Criminal Procedure Article 876, relative to post-sentencing investigations.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1427—**

BY REPRESENTATIVE PIERRE

**AN ACT**

To amend and reenact R.S. 56:302.1(C)(2)(c), relative to charter fishing licenses; to make charter passenger fishing trip licenses available to residents; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 1471—**

BY REPRESENTATIVE WINSTON

**AN ACT**

To amend and reenact R.S. 15:574.12(B), relative to information on offenders and ex-offenders; to provide for the release of information to certain persons; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1676—**

BY REPRESENTATIVE WINSTON

**AN ACT**

To amend and reenact R.S. 56:326(A)(12)(a) and (c), relative to size and possession limits; to provide for stone crab size limits; to provide for holding live stone crabs while on board a vessel; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 1840—**

BY REPRESENTATIVES WOOTON AND MARTINY

**AN ACT**

To amend and reenact R.S. 49:191(13) and to repeal R.S. 49:191(11)(j), relative to the Department of Public Safety and Corrections, including provisions to provide for the re-creation of the Department of Public Safety and Corrections and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary B.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 112—**

BY REPRESENTATIVE R. ALEXANDER

**A CONCURRENT RESOLUTION**

To recognize and salute the Louisiana Dental Association and the Donated Dental Service Program of Louisiana for donating dental treatment to disabled and aged citizens of Louisiana.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Ullo asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 112—**

BY REPRESENTATIVE R. ALEXANDER

**A CONCURRENT RESOLUTION**

To recognize and salute the Louisiana Dental Association and the Donated Dental Service Program of Louisiana for donating dental treatment to disabled and aged citizens of Louisiana.

The resolution was read by title. Senator Hines moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, C	Malone
Barham	Fields, W	Marionneaux
Bean	Fontenot	McPherson
Boissiere	Gautreaux	Michot
Cain	Hines	Mount
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Ellington	Lentini	
Total—31		

**NAYS**

Total—0

**ABSENT**

Bajoie	Johnson	Tarver
Cravins	Lambert	Theunissen
Heitmeier	Romero	
Total—8		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON****INSURANCE**

Senator Tarver, Chairman on behalf of the Committee on Insurance, submitted the following report:

May 2, 2001

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

**SENATE BILL NO. 277—**  
BY SENATOR DARDENNE**AN ACT**

To amend and reenact R.S. 22:2016(A) and to enact R.S. 22:215.22, relative to health insurance; to provide for health insurance coverage of services rendered by registered nurse first assistants; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 803—**

BY REPRESENTATIVES DONELON, ANSARDI, MARTINY, BAYLOR, BOWLER, CLARKSON AND TUCKER

**AN ACT**

To amend and reenact R.S. 22:162(A)(1)(a), 842, and 844(C) and (D)(1), to enact R.S. 22:842.2, and to repeal R.S. 22:844(J) and (K), relative to investments by domestic insurers; to provide for reserve liabilities; to provide for investments and security; to provide for derivatives; to provide for definitions; to provide for limits; to provide for regulations; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 822—**

BY REPRESENTATIVES DONELON, JOHNS, AND KENNARD

**AN ACT**

To amend and reenact R.S. 22:239.1(A)(2), relative to the Louisiana Health Plan; to provide for those types of health insurance coverages subject to assessment of fees by the plan for purposes of funding the state insurance pool established to comply with the federal Health Insurance Portability and Accountability Act; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 823—**

BY REPRESENTATIVE DONELON

**AN ACT**

To amend and reenact R.S. 22:250.10(D)(2)(a), relative to health insurance coverage; to increase the maximum amount of the assessment of health insurers by the commissioner of insurance for the purpose of administering and enforcing state law assuring the portability, availability, and renewability of health insurance coverage; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 829—**

BY REPRESENTATIVES JOHNS AND KENNARD

**AN ACT**

To amend and reenact R.S. 22:250.12(B)(introductory paragraph) and to enact R.S. 22:250.12(H), relative to the Louisiana Health Plan; to provide relative to eligibility for participation in the state insurance pool established to comply with the federal Health Insurance Portability and Accountability Act; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 831—**

BY REPRESENTATIVE JOHNS

**AN ACT**

To amend and reenact R.S. 22:6(2)(a), relative to health insurance coverage; to specify those risks the insurance of which shall be defined as health and accident insurance; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 858—**BY REPRESENTATIVES CLARKSON AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 22:237(C), relative to the Louisiana Health Plan; to provide with respect to eligibility for participation in the Louisiana High Risk Health Insurance Pool administered by the plan; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 859—**BY REPRESENTATIVE CLARKSON  
AN ACT

To repeal R.S. 22:250.5(F), relative to health insurance coverage; to continue the applicability of laws relative to aggregate lifetime and annual limits on mental health benefits under certain large employer group health plans; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 878—**BY REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact R.S. 22:9(A)(1)(j), (k), (n), and (p) and (6), relative to the Louisiana Health Care Commission; to provide relative to the membership and quorum of the commission; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1509—**BY REPRESENTATIVE MORRISH  
AN ACT

To amend and reenact R.S. 22:15, relative to the Department of Insurance; to change the CAIRE Council; to create the Louisiana Property and Casualty Insurance Commission; to provide for membership; to provide for ad hoc committees; to provide for duties and responsibilities; to provide for transacting business; to provide for appointees and employees; to provide for compensation; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1557—**BY REPRESENTATIVE BOWLER  
AN ACT

To enact R.S. 22:737.2 and Part XXV of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1131 through 1151, to amend and reenact R.S. 22:1212(F), and to repeal Part XXIV of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1111 through 1119, relative to the qualification and license requirements for insurance producers; to provide for unearned premiums; to provide for licensing requirements; to provide for exceptions; to provide for examinations; to provide for renewals; to provide for fees; to provide for penalties; to provide for payment of commissions; to provide for appointments; to provide for the powers of the commissioner of insurance; to provide for reciprocity; to provide for prohibitions; to provide for penalties; to provide for regulations; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
GREGORY TARVER  
Chairman**REPORT OF COMMITTEE ON****COMMERCE AND CONSUMER PROTECTION**

Senator Hollis, Chairman on behalf of the Committee on Commerce and Consumer Protection, submitted the following report:

May 2, 2001

To the President and Members of the Senate:

I am directed by your Committee on Commerce and Consumer Protection to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 83—**BY SENATOR W. FIELDS, CRAVINS, AND C. D. JONES AND  
REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE**A CONCURRENT RESOLUTION**

To commend the members of Alpha Kappa Alpha Sorority, Incorporated for their devoted service to promoting Buckle-Up America, a partnership with the National Transportation Safety Board to promote seat belt safety.

Reported favorably.

**SENATE BILL NO. 543—**BY SENATOR CAIN  
AN ACT

To amend and reenact R.S. 51:716, relative to the Louisiana securities law; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 613—**BY SENATOR FONTENOT  
AN ACT

To amend and reenact R.S. 40:1563(B), relative to the state fire marshal; to provide for his powers and duties; to provide for exceptions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 646—**BY SENATOR MARIONNEAUX  
AN ACT

To enact R.S. 9:3562.1, relative to the collection of credit card debts; to prohibit certain debt collection actions against the spouse of a card holder; and to provide for related matters.

Reported by substitute.



**SENATE BILL NO. 749—**

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 37:1367(A), relative to professions and occupations; to provide with respect to plumbers; to provide for a licensed journeyman plumber to supervise two apprentices on a job; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1009—**

BY SENATOR W. FIELDS

AN ACT

To enact R.S. 6:424 relative to banks and banking; to provide for regulations concerning certain forms of identification; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1053—**

BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 6:317, relative to state banks; to provide for the transfer of ownership of assets held in a joint account; to provide for the limitation of bank liability; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1075—**

BY SENATOR W. FIELDS

AN ACT

To amend and reenact R.S. 9:3541.1(A), (D) and (E), relative to home solicitation sales; to provide for a consumer's right to cancel mail and check solicitation sales; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1079—**

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 51:933, relative to economic development; to provide for the authority of the state to enter into certain contracts; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 74—**

BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 27:306(A)(5)(b), relative to the Louisiana Gaming Control Law; to provide with respect to video draw poker devices; to provide for license qualifications; to provide for the location of automatic teller machines in certain areas of a qualified truck stop; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 205—**

BY SENATOR W. FIELDS

AN ACT

To amend and reenact R.S. 30:2018(C) and (D), relative to public hearings for environmental permits; to require the Department of Environmental Quality to hold public hearings upon receipt of an application for a permit; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 205 by Senator W. Fields

AMENDMENT NO. 1

On page 1, line 3, change "require" to "authorize"

AMENDMENT NO. 2

On page 1, line 11, after "department" insert "may, and if requested,"

AMENDMENT NO. 3

On page 2, line 4, after "D." delete the remainder of the line and insert "If the public hearings are conducted pursuant to this" and on line 5, after "Section," insert "they"

AMENDMENT NO. 4

On page 2, line 5, after "30:2017." delete the remainder of the line and delete lines 6 through 13 and insert the following:

**"In addition, notice of all public hearings conducted pursuant to this Section shall be advertised and published two times in a newspaper which is closest in proximity to the location of the applicant facility."**

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 206—**

BY SENATOR GAUTREAUX

AN ACT

To amend and reenact R.S. 30:2018, relative to public hearings for environmental permits; to provide that the Department of Environmental Quality publish public notices in newspapers closest to the community affected by the permitted activity; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental  
Quality to Original Senate Bill No. 206 by Senator Gautreaux

AMENDMENT NO. 1

On page 1, line 2, after “2018” insert “(C) and (D)”

AMENDMENT NO. 2

On page 1, line 12, after "department" insert "may, and if requested,"

AMENDMENT NO. 3

On page 2, line 5, after "D." delete the remainder of the line and insert "If the public hearings are conducted pursuant to this" and on line 5, after "Section," insert "they"

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 263—**

BY SENATORS LENTINI AND SCHEDLER  
AN ACT

To amend and reenact Code of Criminal Procedure Art. 648(B)(3), relative to mental incapacity of a defendant; to provide for the dismissal of charges against an unrestorable incompetent defendant; to require that such dismissal not exceed the expiration date of his possible maximum sentence or five years from his arrest; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to  
Original Senate Bill No. 263 by Senator Lentini

## AMENDMENT NO. 1

On page 1, between lines 13 and 14, add the following:

"B. \* \* \*

## AMENDMENT NO. 2

On page 1, at the beginning of line 14, delete "B."

AMENDMENT NO. 3

On page 2, line 8, after "**defendant**" insert "**, except charges of a crime defined as a crime of violence in R.S. 14:2(13),**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 265—**

BY SENATORS LENTINI AND SCHEDLER  
AN ACT

To amend and reenact R.S. 14:14, relative to culpability for criminal conduct; to provide for definitions of mental disease and mental defect; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 295—**

BY SENATOR MICHOT

AN ACT

To enact Chapter 1B of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2720.1 through 9:2720.20, relative to electronic transactions; to enact the Uniform Electronic Transactions Act; to provide for definitions; to provide for the use of electronic records and electronic signatures and variation by agreement; to provide for scope, construction, and application of provisions; to provide for legal recognition of electronic records, signatures and contracts; to provide for presentation and retention of records; to provide for attribution and effect of electronic records and signatures; to provide for electronic notarization and acknowledgment; to provide for automated transactions; to provide for sending, receiving, and retrieval of electronic records and signatures; to provide for transferable electronic records; to provide for the creation, retention, acceptance, and distribution of electronic records by governmental agencies; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to  
Original Senate Bill No. 295 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, change "1B" to "1"

## AMENDMENT NO. 2

On page 1, lines 3 and 4, change "R.S. 9:27201. through 2720.20" to "R.S. 9:2601 through 2620" and between "relative to" and "electronic" insert "uniform"

AMENDMENT NO. 3

On page 1, delete lines 6 through 16 and insert the following:

" provide for the applicability of electronic records and electronic signatures; to provide for exceptions to the use of electronic records and electronic signatures; to provide for variation by agreement in certain circumstances; to provide for legal recognition and enforceability; to provide for satisfaction of requirements for written records; to provide for attribution of electronic records and electronic signatures to individuals; to provide for the effect of changes or errors in electronic records; to provide for the use of security procedures; to provide for notarization and acknowledgment; to provide for the retention of electronic records; to provide for the admissibility of electronic records and electronic signatures into evidence; to provide

rules for automated transactions; to provide for the sending, receiving, and retrieving of electronic records and electronic signatures; to provide for transferable electronic records; to provide for the creation, retention, acceptance, distribution, and interoperability of electronic records by governmental agencies; and to provide for related matters."

#### AMENDMENT NO. 4

On page 2, line 2, change "1B" to "1"

#### AMENDMENT NO. 5

On page 2, lines 3 and 4, change "R.S. 9:2720.1 through 2720.20" to "R.S. 9:2601 through 2620"

#### AMENDMENT NO. 6

On page 2, line 5, change "1B." to "1. LOUISIANA"

#### AMENDMENT NO. 7

On page 2, delete lines 7 through 27, delete pages 3 through 19 in their entirety and insert the following:

"§2601. Short title

**R.S. 9:2601 is all proposed new law.**

This Chapter may be cited as the "Louisiana Uniform Electronic Transactions Act".

§2602. Definitions

**R.S. 9:2602 is all proposed new law.**

As used in this Chapter, unless the context otherwise requires:

(1) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(2) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course of forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(3) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(4) "Contract" means the total legal obligation resulting from the agreement of the parties as affected by this Chapter and other applicable law.

(5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(6) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual.

(7) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(8) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(9) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, unit, or instrumentality of the federal government or of a state or of a county or parish, municipality, or other political subdivision of a state.

(10) "Information" includes data, text, images, sounds, codes, computer programs, software, and databases, or the like.

(11) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(15) "State" means this state or another state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(16) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

§2603. Scope

**R.S. 9:2603 is all proposed new law.**

A. Except as otherwise provided in Subsection B of this Section, this Chapter applies to electronic records and electronic signatures relating to a transaction.

B. This Chapter shall not apply to:

(1) A transaction to the extent it is governed by a law governing the creation and execution of wills, codicils, or testamentary trusts.

(2) A transaction to the extent that the provisions of Title 10 of the Louisiana Revised Statutes of 1950, other than R.S. 10:1-107.

(3) (Reserved).

(4)(a) A law governing adoption, divorce, or other matters of family law.

(b) Court orders or notices, or official court documents, including briefs, pleadings, and other writings, required to be executed in connection with court proceedings, except as otherwise provided by law.

(c) Any notice of:

(i) The cancellation or termination of utility services, including water, heat, and power.

(ii) Default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual.

(iii) The cancellation or termination of health insurance or benefits or life insurance benefits, excluding annuities.

(iv) Recall of a product, or material failure of a product, that risks endangering health or safety.

(d) Any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

(e) Any publication required by law to be published in an official journal provided for in Chapters 2, 4, or 5 of Title 43 of the Louisiana Revised Statutes of 1950.

C. This Chapter applies to an electronic record or electronic signature otherwise excluded from the application of this Chapter under Subsection B to the extent it is governed by a law other than those specified in Subsection B.

D. A transaction subject to this Chapter is also subject to other applicable substantive law.

§2604. Prospective application; exemption from preemption

**R.S. 9:2604 is all proposed new law.**

A. This Chapter applies to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after July 1, 2001.

B. This Chapter is intended and shall be construed to constitute an enactment or adoption of the Uniform Electronic Transactions Act as approved and recommended for enactment in all the states by the National Conference of Commissioners on Uniform State Laws in 1999. If a court of competent jurisdiction finds that any provision of this Chapter is inconsistent with 15 U.S.C. 7002(a)(1) (the Electronic Signatures in Global and National Commerce Act), then any inconsistent provision is intended to comply with 15 U.S.C. 7002(a)(2)(A) and (B).

§2605. Use of electronic records and electronic signatures; variation by agreement

**R.S. 9:2605 is all proposed new law.**

A. This Chapter does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

B.(1) This Chapter applies only to transactions between parties, each of which has agreed to conduct transactions by electronic means.

(2) The context and surrounding circumstances, including the conduct of the parties, shall determine whether the parties have agreed to conduct a transaction by electronic means.

C.(1) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means.

(2) The right granted by this Subsection may not be waived by agreement.

D.(1) Except as otherwise provided in this Chapter, the effect of any of its provisions may be varied by agreement.

(2) The presence in provisions of this Chapter of the words "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

E. Whether an electronic record or electronic signature has legal consequences is determined by this Chapter and other applicable law.

§2606. Construction and application

**R.S. 9:2606 is all proposed new law.**

This Chapter shall be construed and applied as follows:

(1) To facilitate electronic transactions consistent with other applicable law.

(2) To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices.

(3) To effectuate its general purpose to make uniform the law with respect to the subject of this Chapter among states enacting it.

§2607. Legal recognition of electronic records, electronic signatures, and electronic contracts

**R.S. 9:2607 is all proposed new law.**

A. A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

B. A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

C. If a law requires a record to be in writing, an electronic record satisfies the law.

D. If a law requires a signature, an electronic signature satisfies the law.

§2608. Provision of information in writing; presentation of records

**R.S. 9:2608 is all proposed new law.**

A.(1) If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered in an electronic record capable of retention by the recipient at the time of receipt.

(2) An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

B. If a law, other than this Chapter, requires a record to be posted or displayed in a certain manner, to be sent, communicated, or transmitted by a specified method, or to contain information that is formatted in a certain manner, the following rules apply:

(1) The record must be posted or displayed in the manner specified in the other law.

(2) Except as otherwise provided in Paragraph (D)(2) of this Section, the record must be sent, communicated, or transmitted by the method specified in the other law.

(3) The record must contain the information formatted in the manner specified in the other law.

C. If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

D. The requirements of this Section may not be varied by agreement, but:

(1) To the extent a law other than this Chapter requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under Subsection A of this Section that the information be in the form of an electronic record capable of retention may also be varied by agreement.

(2) A requirement under a law other than this Chapter to send, communicate, or transmit a record by first-class mail, postage prepaid, or by regular United States mail, may be varied by agreement to the extent permitted by the other law.

§2609. Attribution and effect of electronic record and electronic signature

**R.S. 9:2609 is all proposed new law.**

A.(1) An electronic record or electronic signature is attributable to a person if it was the act of the person.

(2) The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

B. The effect of an electronic record or electronic signature attributed to a person under Subsection A of this Section is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the agreement of the parties, if any, and otherwise as provided by law.

§2610. Effect of change or error

**R.S. 9:2610 is all proposed new law.**

If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(a) Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person.

(b) Takes reasonable steps, including steps that conform to the reasonable instructions of the other person, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record.

(c) Has not used or received any benefit or value from the consideration, if any, received from the other person.

(3) If neither Paragraph (1) nor Paragraph (2) of this Subsection is applicable, the change or error has the effect provided by other law, including the law of error, and the contract of the parties, if any.

(4) Paragraphs (2) and (3) of this Subsection may not be varied by agreement.

§2611. Notarization and acknowledgment

**R.S. 9:2611 is all proposed new law.**

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

§2612. Retention of electronic records; originals

**R.S. 9:2612 is all proposed new law.**

A. If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

(1) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise.

(2) Remains accessible for later reference.

B. A requirement to retain a record in accordance with Subsection A of this Section does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

C. A person may satisfy Subsection A of this Section by using the services of another person if the requirements of Subsection A of this Section are satisfied.

D. If a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with Subsection A of this Section.

E. If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with Subsection A of this Section.

F. A record retained as an electronic record in accordance with Subsection A of this Section satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 1, 2001, specifically prohibits the use of an electronic record for the specified purpose.

G. This Section shall not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the jurisdiction of the agency.

§2613. Admissibility in evidence

**R.S. 9:2613 is all proposed new law.**

In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.

§2614. Automated transaction

**R.S. 9:2614 is all proposed new law.**

In an automated transaction, the following rules apply:

(1) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the actions of the electronic agents or the resulting terms and agreements.

(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(3) The terms of the contract are determined by the substantive law applicable to it.

§2615. Time and place of sending and receipt

**R.S. 9:2615 is all proposed new law.**

A. Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(1) Is addressed properly or is otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record.

(2) Is in a form capable of being processed by that system.

(3) Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

B. Unless otherwise agreed between the sender and the recipient, an electronic record is received when it:

(1) Enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record.

(2) Is in a form capable of being processed by that system.

C. Subsection B of this Section applies even if the place where the information processing system is located is different from the place where the electronic record is deemed to be received under Subsection D of this Section.

D. Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the place of business of the sender and to

be received at the place of business of the recipient. For purposes of this Subsection, the following rules apply:

(1) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

(2) If the sender or the recipient does not have a place of business, the place of business is the residence of the sender or recipient, as the case may be.

E. An electronic record is received under Subsection B of this Section even if no individual is aware of its receipt.

F. Receipt of an electronic acknowledgment from an information processing system described in Subsection B of this Section establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

G.(1) If a person is aware that an electronic record purportedly sent under Subsection A of this Section, or purportedly received under Subsection B of this Section, was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law.

(2) Except to the extent allowed by the other law, the requirements of this Subsection may not be varied by agreement.

**§2616. Transferable records**

**R.S. 9:2616 is all proposed new law.**

A. In this Section, "transferable record" means an electronic record that:

(1) Would be a note as defined in R.S. 10:3-101 et seq., or a document under R.S. 10:7-101 et seq., if the electronic record were in writing.

(2) The issuer of the electronic record expressly has agreed is a transferable record.

B. A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

C. A system employed for evidencing the transfer of interests in the transferable record satisfies Subsection B of this Section, and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

(1) A single authoritative copy of the transferable record exists that is unique, identifiable, and, except as otherwise provided in Paragraphs (4), (5), and (6) of this Subsection, unalterable.

(2) The authoritative copy identifies the person asserting control as:

(a) The person to which the transferable record was issued; or

(b) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred.

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian.

(4) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control.

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy.

(6) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

D.(1) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in R.S. 10:1-201(20), of the transferable record and has the same rights and defenses as a

holder of an equivalent record or writing under Title 10 of the Louisiana Revised Statutes of 1950, including, if the applicable statutory requirements under R.S. 10:3-302(a), 7-501, or 9-308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively.

(2) Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this Subsection.

E. Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under Title 10 of the Louisiana Revised Statutes of 1950.

F.(1) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record.

(2) Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

**§2617. Creation and retention of electronic records and conversion of written records by governmental agencies in this state**

**R.S. 9:2617 is all proposed new law.**

Each governmental agency of this state shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records.

**§2618. Acceptance and distribution of electronic records by governmental agencies in this state**

**R.S. 9:2618 is all proposed new law.**

A. Except as otherwise provided in R.S. 9:2612(F), each governmental agency of this state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

B. To the extent a governmental agency uses electronic records and electronic signatures under Subsection A of this Section, the governmental agency, giving due consideration to security, may specify the following:

(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

(b) The electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

(c) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and audit ability of electronic records.

(d) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

C. Except as otherwise provided in R.S. 9:2612(F), this Chapter does not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

**§2619. Interoperability**

**R.S. 9:2619 is all proposed new law.**

A. The commissioner of administration shall encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this state, other states, the federal government, and nongovernmental persons interacting with governmental agencies of this state.

B. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

§2620. Severability clause

**R.S. 9:2620 is all proposed new law.**

The provisions of this Chapter are severable as provided in R.S. 24:175.

Section 2. The Louisiana State Law Institute is hereby directed to prepare official comments to accompany the provisions of this Act, and to instruct West Publishing Company to print such official comments together with the text of the statutes enacted by this Act.

Section 3. This Act shall become effective on July 1, 2001; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2001, or on the day following such approval by the legislature, whichever is later."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### **SENATE BILL NO. 342—**

BY SENATOR LENTINI

#### **AN ACT**

To amend and reenact Code of Criminal Procedure Art. 650, relative to criminal procedure; to provide relative to mental examinations after plea of insanity; to require that the examination shall not be performed until after competency to proceed is determined; to require that all of the defendant's treatment records be made available to certain persons if the insanity plea is raised; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

#### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 342 by Senator Lentini

#### **AMENDMENT NO. 1**

On page 1, line 3, after "after" insert "a"

#### **AMENDMENT NO. 2**

On page 1, line 7, change "the insanity plea is raised" to "such plea is entered"

#### **AMENDMENT NO. 3**

On page 1, line 12, delete "A."

#### **AMENDMENT NO. 4**

On page 2, delete lines 7 through 12

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### **SENATE BILL NO. 423—**

BY SENATOR JOHNSON

#### **AN ACT**

To enact Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1451, relative to prisoners who are incarcerated in connection with allegations or convictions or adjudications of violations of state law; to require the state to pay the costs of incarceration of those prisoners; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

#### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 423 by Senator Johnson

#### **AMENDMENT NO. 1**

On page 1, line 2, after "To" delete "enact" and insert "amend and reenact R.S. 15:571.11(C), to enact R.S. 13:10.4 and"

#### **AMENDMENT NO. 2**

On page 1, line 3, after "R.S. 15:1451," delete the remainder of the line and insert "and to repeal R.S. 15:571.11(D),(E), (F), (G), (H), (I), (J) and (K), relative to the operational costs of the criminal judicial system; to provide for prisoners who are"

#### **AMENDMENT NO. 3**

On page 1, line 6, after "prisoners;" insert "to require the state to assume an additional twenty percent of the operational cost each year for a five year period; to provide that any surplus remaining in any criminal court fund on June 30 of each year shall be transferred to the state general fund;"

#### **AMENDMENT NO. 4**

On page 1, between lines 8 and 9, insert the following:

"Section 1. R.S. 13:10.4 is hereby enacted to read as follows:

§10.4. Courts, operational cost

#### **R.S. 13:10.4 is all proposed new law.**

A. Notwithstanding any other law to the contrary, the operational costs of the following courts shall be paid by the state of Louisiana:

- (1) District courts.
- (2) Civil and criminal courts of Orleans Parish.
- (3) Juvenile courts of the parishes of Orleans, Caddo, and Jefferson.

- (4) Family court of East Baton Rouge Parish.

B. For the purposes of this Section, operational costs shall include but are not limited to the following: salaries, fringe benefits, equipment, office expense and travel expenses of district attorneys, assistant district attorneys, coroners, court reporters, judicial secretaries, indigent defenders, juvenile officers, juvenile justice facilities, law clerks, trial court administrators and their staffs, and criers or bailiffs assigned to judges, and office expenses, travel expenses and law book acquisitions of judges together with all expenses incurred by the arrest, confinement, maintenance and prosecution of persons accused or convicted of crimes, their removal to prison, compensation of all witnesses, grand and petit jurors and all other expenses pertaining to criminal proceedings."

AMENDMENT NO. 5

On page 1, line 9, change "Section 1." to "Section 2." and before "Chapter" insert "R.S. 15:571.11(C) is hereby amended and reenacted and"

AMENDMENT NO. 6

On page 1, between lines 10 and 11, insert the following:

§571.11. Dispositions of fines and forfeitures

\* \* \*

C.(1) ~~One half of any~~ Any surplus remaining in the special account or fund on ~~December 31~~ June 30 of each year shall be transferred to the ~~parish state~~ general fund. No money shall be paid out of the special account except upon the order or warrant of the district judge and district attorney as above provided.

~~(2) Notwithstanding any other provision of the law to the contrary, the Criminal Court Fund for the Sixteenth Judicial District shall be operated as a single fund, and one-half of any surplus remaining in the single special account or fund on December 31 of each year shall be transferred to the general funds of the parishes of the district in the same proportion as the revenues in the fund were produced from the parishes.~~

~~(3) Notwithstanding any other provision of law to the contrary, the Criminal Court Fund accounts for the Second Judicial District shall be operated as a single account or fund. One-half of any surplus remaining in the single account or fund on December 31 of each year shall be transferred to the general funds of the parishes of the district in the same proportion as the revenues in the single account or fund were produced from the parishes.~~

~~(4)(a) Notwithstanding any other provision of law to the contrary, the criminal court fund for the Fifth Judicial District shall be operated as a single fund. Except as provided in this Paragraph, one-half of any surplus remaining in the single fund on December thirty-first of each year shall be transferred to the general fund of the parishes of the district in the same proportion as the revenues in the fund were produced from the parishes.~~

~~(b) Upon motion of the district attorney, with the concurrence of the chief judge of the Fifth Judicial District, a certain amount of the surplus monies remaining in the single fund on December thirty-first of each year shall be deposited into a special excessive costs account for the Fifth Judicial District. The total amount of monies deposited into the special excessive costs account, in any calendar year, shall not exceed fifty thousand dollars.~~

~~(c) No money shall be paid out of the special excessive costs account except upon the order or warrant of the chief judge and district attorney of the Fifth Judicial District. Monies in the account shall only be used to defray excessive costs incurred in first degree murder cases or very serious felony trials wherein venue has been changed.~~

**R.S. 15:571.11(C)(2) is all proposed new law.**

(2) Where necessary the state shall supplement the criminal court funds to the extent required to give effect to all the foregoing. Beginning in Fiscal Year 2002-2003 the state shall assume twenty percent of the operational costs of the criminal justice system. Each year thereafter the state shall assume an additional twenty percent of the operational costs until the entire cost is an obligation of the state.

\* \* \*

AMENDMENT NO. 7

On page 2, after line 15, insert as follows:

"Section 3. R.S. 15:571.11(D), (E), (F), (G), (H), (I), (J), and (K) are hereby repealed in their entirety."

On motion of Senator Cravins, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 453—**

BY SENATOR MICHOT

**AN ACT**

To amend and reenact Code of Civil Procedure Art. 966(B), relative to summary judgment procedure; to provide that the adverse party shall file opposing affidavits and any memorandum in support thereof, at least four days prior to the date of the hearing; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 453 by Senator Michot

AMENDMENT NO. 1

On page 1, line 14, after "hearing." delete the remainder of the line in its entirety and insert the following: "The adverse party may file opposing affidavits, and if such opposing affidavits are filed, the opposing affidavits and"

AMENDMENT NO. 2

On page 1, line 15, after "thereof" delete the comma "," and insert "shall be filed"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 494—**

BY SENATOR HINES

**AN ACT**

To enact R.S. 9:391.1, relative to legitimization of illegitimate children; to provide for the legitimate status of a child conceived and born after the death of the husband of the mother; to provide conditions under which such status is achieved; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 494 by Senator Hines

AMENDMENT NO. 1

On page 1, line 5, delete "to provide for an effective date;"

AMENDMENT NO. 2

On page 1, line 11, delete "A."

AMENDMENT NO. 3



On page 1, delete line 16 in its entirety and on page 2, delete line 1 in its entirety

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### **SENATE BILL NO. 559—**

BY SENATOR LENTINI

#### **AN ACT**

To amend and reenact R.S. 14:98(K) and 334(A), R.S. 32:378.2(A)(1) and (2)(a), 414(A)(1)(b), (3)(c), and (B)(2)(b), 415.1(A)(1), 430(E), 667(B)(3), and 668(B)(1)(c), and to repeal R.S. 15:306 relative to driver's license; to prohibit any person placed on probation or who has had his license suspended for violations of laws relating to the second or subsequent offenses of driving while intoxicated from obtaining a restricted driving license; to remove exception for such person to obtain a restricted license if a ignition lock device is installed on his motor vehicle; to authorize a restricted license at conclusion of such suspension with the installation of such interlock device; to require such device to remain installed for at least six months; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

#### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 559 by Senator Lentini

##### AMENDMENT NO. 1

On page 1, line 2, after "98(K) and" insert "the introductory paragraph of"

##### AMENDMENT NO. 2

On page 1, line 4, after "306" insert a comma and after "relative to" insert "a"

##### AMENDMENT NO. 3

On page 1, line 8, change "exception for" to "the exception allowing"

##### AMENDMENT NO. 4

On page 1, line 10, after "license at" insert "the"

##### AMENDMENT NO. 5

On page 1, line 15 after "(K) and" insert "the introductory paragraph of"

##### AMENDMENT NO. 6

On page 3, line 18, after "first" change "or" to "or"

##### AMENDMENT NO. 7

On page 5, line 6, delete "restriction"

##### AMENDMENT NO. 8

On page 5, line 7, change "driving" to "driver's"

##### AMENDMENT NO. 9

On page 5, line 21, delete "restriction"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### **SENATE BILL NO. 643—**

BY SENATOR LENTINI

#### **AN ACT**

To amend and reenact R.S. 40:1299.44(C)(5), relative to medical malpractice; to provide that admission of liability shall encompass an admission of malpractice or substandard care; to provide that the admission of liability shall preclude evidence or argument of the fault of any other health care provider, whether a party or non-party; to provide the definition of original harm; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

#### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 643 by Senator Lentini

##### AMENDMENT NO. 1

On page 1, line 4, after "care;" delete the remainder of the line and delete lines 5 and 6 in their entirety and insert "to provide"

##### AMENDMENT NO. 2

On page 2, lines 21 and 25, change "\$100,000" to "one hundred thousand dollars"

##### AMENDMENT NO. 3

On page 2, delete lines 26 and 27 in their entirety

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### **SENATE BILL NO. 655—**

BY SENATOR DEAN

#### **AN ACT**

To enact R.S. 3:2859, relative to the adoption and donation of unclaimed horses; to require the promulgation of rules and regulations for the adoption and donation of unclaimed horses; to authorize the imposition of civil penalties; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

#### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 655 by Senator Dean

##### AMENDMENT NO. 1

On page 1, line 3, delete "require the promulgation of rules and regulations for" and insert in lieu thereof "authorize"

##### AMENDMENT NO. 2

On page 1, line 4, after "horses;" delete the remainder of the line and insert in lieu thereof the following: "to provide for the establishment of adoption and donation guidelines"

AMENDMENT NO. 3

On page 1, line 5, delete "of civil penalties;"

AMENDMENT NO. 4

On page 1, delete lines 11 through 16 and insert in lieu thereof the following:

A. Notwithstanding any provisions of law to the contrary, following advertisement to locate the owner, the animal control authority or the sheriff in parishes where there is no other animal control authority may provide for the adoption or donation of any unclaimed horse or may transfer the horse to an animal control agency in another parish prior to resorting to any other means of disposition of the animal, provided the horse is determined to be free of those diseases for which the Livestock Sanitary Board would otherwise require that the horse be destroyed by euthanasia.

B. Each parish animal control authority or sheriff in parishes where there is no other animal control authority shall establish guidelines for the proper adoption or donation of unclaimed horses which shall be consistent with any recommendations made by the Louisiana Animal Control Association.

AMENDMENT NO. 5

On page 2, delete lines 1 through 12

AMENDMENT NO. 6

On page 2, line 13, change "D" to "C"

AMENDMENT NO. 7

On page 2, line 16, after "mules" insert ", "

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 750—**

BY SENATOR SCHEDLER

**AN ACT**

To enact R.S. 40:1299.44(C)(9), relative to the patient's compensation fund; to provide for self-insured health care providers; to provide for removal from petition; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 762—**

BY SENATOR MALONE

**AN ACT**

To enact Chapter 31 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4701 through 4702, relative to irrigation; to create the Drought Protection Trust Fund in the state treasury; to provide for the deposit of monies to the fund; to provide for the use of monies in the fund; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 762 by Senator Malone

AMENDMENT NO. 1

On page 3, line 5, delete "and the Louisiana Water Commission"

AMENDMENT NO. 2

On page 3, line 14, change "Louisiana Water Commission" to "Office of Soil and Water Conservation, Department of Agriculture and Forestry"

AMENDMENT NO. 3

On page 4, line 5, after "basis" insert "." and delete the remainder of the line.

AMENDMENT NO. 4

On page 4, line 9, change "Louisiana Water Commission" to "Office of Soil and Water Conservation, Department of Agriculture and Forestry"

AMENDMENT NO. 5

On page 4, line 12, change "commissioner of agriculture and forestry" to "Department of Agriculture and Forestry"

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 823—**

BY SENATOR IRONS

**AN ACT**

To amend and reenact R.S. 3:2093(9) and R.S. 14:102.1(B)(5), to enact Part VII of Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2501, and to repeal R.S. 14:102(7), (8), and (9), relative to animal cruelty; to provide for the crime of livestock tampering; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 823 by Senator Irons

AMENDMENT NO. 1

On page 1, line 2, delete "14:102.1(B)(5)" and insert the following:

"14:102.1(A)(1)(c) and (e), and (B)(1) and (5)"

AMENDMENT NO. 2

On page 1, line 5, after "(9)," insert "and 102.1(B)(2),"

AMENDMENT NO. 3

On page 1, line 8, delete "and 14:101.1(B)(5) are" and insert in lieu thereof "is"

AMENDMENT NO. 4

On page 2, after "Section 2." delete the rest of the line and insert the following: "R.S. 14:102.1(A)(1)(c) and (e), (B)(1) and (5) are hereby amended and reenacted to"

AMENDMENT NO. 5

On page 2, between lines 5 and 6 insert the following:

"A.(1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

\* \* \*

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper ~~drink~~ water, proper shelter, or proper veterinary care.

\* \* \*

(e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper ~~drink~~ water, and proper shelter."

AMENDMENT NO. 6

On page 2, delete line 7 and insert in lieu thereof the following:

"B.(1) Any person who intentionally or with criminal negligence tortures, maims, ~~or mutilates,~~ or maliciously kills any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals."

AMENDMENT NO. 7

On page 4, line 6, after "and" delete the remainder of the line and insert in lieu thereof the following:

"(9), and 102.1(B)(2) are hereby repealed"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 925—**

BY SENATOR IRONS

**AN ACT**

To enact R.S. 14:403.6, relative to offenses affecting law enforcement; to provide for cross-reporting cases of animal and human abuse; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 925 by Senator Irons

AMENDMENT NO. 1

On page 1, line 2, after "To", add "amend and reenact R.S. 14:403(A), 403.2(J)(1), 403.3(D), 403.4(F), and 403.5(E) and to" and after "14:403.6" add "and 403.7"

AMENDMENT NO. 2

On page 1, line 3, after the semicolon ";", add "to require persons responsible for reporting abuse of adults and children to also report abuse and neglect of animals; to require persons responsible for reporting abuse and neglect of animals to report abuse of adults and abuse of children; to require training for such persons in recognizing situations of abuse and neglect; to prohibit persons with a history of

abuse or violence from being employed in any care facility; to provide for definitions; to provide for penalties;"

AMENDMENT NO. 3

On page 1, line 6, after "1." change "R.S. 14:403.6 is" to "R.S. 14:403(A), 403.2(J)(1), 403.3(D), 403.4(F), and 403.5(E) are amended and reenacted and R.S. 14:403.6 and 403.7 are:"

AMENDMENT NO. 4

On page 1, between lines 6 and 7, add the following:

§403. Abuse of children; reports; waiver of privilege

A.(1) Any person who, under Children's Code Article 609(A), is required to report the abuse or neglect or sexual abuse of a child and knowingly and willfully fails to so report shall be guilty of a misdemeanor and upon conviction shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned for not more than six months, or both.

(2) Any person, any employee of a local child protection unit of the Department of Social Services, any employee of any local law enforcement agency, any employee or agent of any state department, or any school employee who knowingly and willfully violates the provisions of Chapter 5 of Title VI of the Children's Code, or who knowingly and willfully obstructs the procedures for receiving and investigating reports of child abuse or neglect or sexual abuse, or who discloses without authorization confidential information about or contained within such reports shall be guilty of a misdemeanor and upon conviction shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned for not more than six months, or both.

(3) Any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency, knowing that such information is false, shall be guilty of a misdemeanor and upon conviction shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned for not more than six months, or both.

\* \* \*

§403.2. Abuse and neglect of adults; reports; investigation; waiver of privileges; penalties; immunity

\* \* \*

J.(1) Any person who knowingly and willfully fails to report as provided by Subsection C, shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned not more than six months, or both.

\* \* \*

§403.3. Reports of missing children; procedures; false reports or communications; penalties

\* \* \*

D. Whoever violates the provisions of Subsections B or C herein shall be fined not more than ~~five hundred~~ one thousand dollars or be imprisoned for not more than six months, or both.

\* \* \*

§403.4. Burn injuries and wounds; reports; registry; immunity; penalties

\* \* \*

F. Any person who knowingly files a false report shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned for not more than six months, or both.

§403.5. Gunshot wounds; mandatory reporting

\* \* \*

E. Any person who fails to file a report under this Section shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned for not more than six months, or both. Any person who knowingly files a false report under this Section shall be fined not more than ~~five hundred~~ one thousand dollars or imprisoned for not more than six months, or both.

AMENDMENT NO. 5

On page 1, delete lines 9 through 15, and add the following:

"§403.6. Cross reporting in cases of human or animal abuse or neglect.

**R.S. 14:403.6 is all proposed new law.**

A. Any state or local law enforcement officer; any person who, under Children's Code Article 609(A), is required to report the abuse or neglect or sexual abuse of a child; any person who, under the provisions of R.S. 14:403.2, is required to report abuse or neglect of an adult; or any person who is responsible for the prevention of cruelty to animals under the provisions of Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950 or the provisions relative to cruelty to animals of Subpart B of Part VI of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950 who becomes aware of evidence of neglect or abuse of any person or animal shall report such incident to the law enforcement authority of the governing authority in which the incident has occurred and to the local child protection unit of the Department of Social Services, or the appropriate adult protection agency as defined By R.S. 14:403.2(B)(3), or the local animal welfare authority. The name and identifying information regarding the reporter of animal maltreatment shall be confidential.

B. Any person responsible for reporting incidents of neglect or abuse under the provisions of Subsection A of this Section shall receive, as part of his professional training, instruction in recognizing incidents of abuse or neglect of persons, both adult and children, and animals.

C. No person required to report under the provisions of Subsection A of this Section shall knowingly and willfully obstruct the procedures for receiving and investigating a report of abuse or neglect or shall disclose, without authorization, confidential information which was reported.

D. No person shall make a report required by this Section knowing that any information therein is false.

E.(1) A pet which is reported to have been neglected shall not be removed from the custody of its owner pursuant to a report of neglect if either of the following circumstances exist:

(a) The conditions which justified the charge of neglect are expeditiously corrected.

(b) It is determined by the investigating authority that it is in the best interests of all concerned not to remove the animal from the custody of its owner, taking into account both the well being of any person with an emotional attachment to the animal and the well being of the animal itself.

(2) The investigating authority may, if it deems necessary, or at the request of the person alleged to have committed the neglect, hold an administrative hearing to determine the disposition of the animal.

F. Violation of any provision of this Section shall be a misdemeanor punishable by a fine of not more than \$1000, or imprisonment of not more than six months, or both.

§403.7. Operation of care facility or employment at a care facility by a person with a history of abusive or violent behavior; prohibited.

**R.S. 14:403.7 is all proposed new law.**

A. (1) No person with a documented history of violent or abusive behavior, including, but not limited to, a prior conviction for a crime of abuse or neglect, may be a care giver as defined in Subsection (D) of this Section.

(2) No care facility employer shall hire any person with a documented history of violent or abusive behavior, including, but not limited to, a prior conviction for a crime of abuse or neglect, to be employed as a care giver as defined in Subsection (D) of this Section.

B. Before hiring any person as a care giver as defined in Subsection (D) of this Section, any care facility employer shall submit the name of the person to the sheriff of the parish in which the care facility is located. Such sheriff shall conduct a background check on the potential employee to determine if such person has a record of abusive or violent behavior and shall notify the requesting party with a confidential, written report.

C. Notwithstanding the provisions of Subsections (A) and (B) of this Section, a person with a documented history of violent or abusive behavior may be employed as a care giver as defined in Subsection (D) of this Section if the court of the district in which the care facility is located determines that the person does not pose a threat to any individual or animal to whom or for which care is being provided, and such court order withstands any challenge by any competent authority. The court may require specific methods of supervision and limitations of responsibility during the employment of such person.

D. For the purposes of this Section the following terms shall have the following meanings:

(1) "Care facility" means any public or private business, institution, government agency, or other operation, entrusted with the care of children, abused women, the mentally incapacitated, the elderly, the infirm or any public or private animal shelter or animal control agency or other animal control facility.

(2) "Care giver" means any person who operates any care facility, is employed in any care facility as one who administers direct care, or is employed in any capacity which requires direct access to an individual or animal to whom or for which care is being provided."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1011—**

BY SENATOR LENTINI

**AN ACT**

To enact R.S. 15:571.35, relative to incarceration; to require the Department of Public Safety and Corrections to establish a pilot program of home incarceration and electronic monitoring; to provide criteria for eligibility for participation in such program; to require the promulgation of rules and regulations for the implementation and administration of such program; to require compliance with administrative procedures; to require the inclusion of certain conditions within such rules and regulations; to require an evaluation of the program and a report regarding the program to be provided to certain legislative committees; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 1016—**

BY SENATOR LENTINI

## AN ACT

To enact R.S. 13:2590.2 and R.S. 42:66(O), relative to public officials; to provide relative to the clerk of court of Jefferson Parish; to provide that the clerk shall also serve as the ex officio clerk of court for a consolidated Justice of the Peace Litter Court of Jefferson Parish; to provide for exemptions from dual office holding; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 1016 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the end of line 13, change "exofficio" to "ex officio"

AMENDMENT NO. 2

On page 2, at the beginning of line 4, add "O."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1017—**

BY SENATOR LENTINI

## AN ACT

To enact R.S. 13:2562.25, relative to parish courts; to provide with respect to the First and Second Parish Courts for the Parish of Jefferson; to authorize the filing of paper by facsimile transmission in civil, traffic, or misdemeanor actions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 1017 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the end of line 4, delete ", traffic,"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "or misdemeanor"

AMENDMENT NO. 3

On page 1, at the end of line 9, delete ", traffic, or"

AMENDMENT NO. 4

On page 1, at the beginning of line 10, delete "misdemeanor"

AMENDMENT NO. 5

On page 1, line 12, after "civil" delete ", traffic, or misdemeanor"

AMENDMENT NO. 6

On page 2, line 1, after "civil" delete ", traffic, or misdemeanor"

AMENDMENT NO. 7

On page 2, line 13, after "B" add "of this Section"

AMENDMENT NO. 8

On page 2, at the end of line 6, change "ex-officio" to "ex officio"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1028—**

BY SENATOR MCPHERSON

## AN ACT

To amend and reenact R.S. 40:1300.52(D)(1)(a) and 1300.53(A)(1)(a), relative to criminal history checks conducted by the office of state police, or other authorized agencies, on certain nonlicensed persons and licensed ambulance personnel; to authorize the office of state police or other authorized agency to provide the criminal history records of such persons to certain employers if the records reveal conviction of certain acts; to prohibit such employers from hiring or contracting with such a person if he has been convicted of such offense; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 1040—**

BY SENATOR CRAVINS

## AN ACT

To amend and reenact R.S. 13:2105.1(A), relative to the Opelousas City Court; to authorize an increase in the fee collected by the marshal for the service of subpoenas in criminal matters; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1040 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 12, change "fifteen" to "twelve"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1048—**

BY SENATOR HOYT

## AN ACT

To amend and reenact the introductory paragraph of Schedule II(D) of R.S. 40:964, 964.1, 966(A)(1), and 967(A)(1), relative to the classification of controlled dangerous substances; to provide for the classification of a controlled substance analogue as a Schedule II controlled dangerous substance; to provide for the

treatment of an analogue of a Schedule II controlled dangerous substance to be the same as such substance; to provide for penalties for distribution and manufacture of controlled substance analogues in both Schedule I and II; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 1074—**

BY SENATOR LAMBERT (BY REQUEST)  
AN ACT

To amend R.S. 45:1194, relative to contests of public service commission actions; to provide for consideration by the public service commission of additional evidence in certain circumstances; to require a remand for such consideration and to provide for the actions which may be taken upon such remand; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1074 by Senator Lambert

**AMENDMENT NO. 1**

On page 1, line 13, change "Upon" to "~~upon~~ **Upon**"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1076—**

BY SENATOR HOYT

AN ACT

To enact Civil Code Art. 245.1, relative to visitation rights; to provide that if the child was conceived through the commission of a felony, rape or other intentional offense or quasi offense, the natural parent who committed the felony, rape, intentional offense or quasi offense shall be denied visitation rights; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1076 by Senator Michot

**AMENDMENT NO. 1**

On page 1, line 2, change "245.1" to "136.1 and Children's Code Art. 1015(8)"

**AMENDMENT NO. 2**

On page 1, line 3, change "felony, rape or" to "felony rape"

**AMENDMENT NO. 3**

On page 1, delete lines 4 and 5 in their entirety and insert the following: ", the natural parent who committed the felony rape shall"

**AMENDMENT NO. 4**

On page 1, line 6, after "rights;" insert "to provide that the commission of a felony rape which resulted in the conception of the child shall be a grounds for termination of parental rights;"

**AMENDMENT NO. 5**

On page 1, line 8, change "Article 245.1" to "Art. 136.1"

**AMENDMENT NO. 6**

On page 1, line 10, change "245.1" to "136.1" and change "illegitimate" to "a"

**AMENDMENT NO. 7**

On page 1, line 11, change "felony, rape" to "felony rape"

**AMENDMENT NO. 8**

On page 1, line 12, delete "or other intentional offense or quasi offense,"

**AMENDMENT NO. 9**

On page 1, line 15, change "an" to "a" and delete "illegitimate"

**AMENDMENT NO. 10**

On page 2, line 1 change "felony, rape" to "felony rape" and delete "or other intentional offense or quasi"

**AMENDMENT NO. 11**

On page 2, delete line 2 in its entirety and insert the following: ", the natural parent who committed the felony rape"

**AMENDMENT NO. 12**

On page 2, line 3, delete "intentional offense or quasi offense"

**AMENDMENT NO. 13**

On page 2, after line 4, insert the following:

"Section 2. Children's Code Art. 1015(8) is hereby enacted to read as follows:

Art. 1015. Grounds

The grounds for termination of parental rights are:

\* \* \*

**Children's Code Art. 1015(8) is all proposed new law**

(8) The commission of a felony rape by the natural parent which resulted in the conception of the child."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1092—**

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 14:511 and to enact R.S. 14:511.1, relative to loansharking; to provide ; and to provide for related matters.

Reported by substitute by the Committee on Judiciary C. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute for Senate Bill 1092 by Senator Irons)

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 14:511, relative to loansharking; to provide for determination of the crime of loansharking relative to the imposition of certain fees and charges; to provide penalties for such determinations; to eliminate exemptions from prosecution for loansharking for transactions related to banking and civil law provisions; to provide for defenses to prosecution; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:511 is hereby amended and reenacted to read as follows:

§511. Loansharking; penalty; defense to prosecution

A. ~~A person is guilty of loansharking when he knowingly solicits, or receives any money or anything of value, including services, as interest or compensation for a loan, or as forbearance of any right to money or other property, at a rate exceeding forty-five percentum per annum or the equivalent rate for a longer or shorter period. This Section shall not apply to any transaction under Title 6, Title 9, or Sections 1751 through 1770 of Title 37 of the Louisiana Revised Statutes of 1950 or under Revised Civil Code Article 2924.~~  
Loansharking is:

R.S. 14:511(A)(1) is all proposed new law.

(1) The knowing soliciting, charging, attempting to collect, or receiving any money or anything of value, including services, as interest or compensation for a loan or as a forbearance of any right to money or other property, at a rate exceeding forty-five percentum per annum or the equivalent rate for any longer or shorter period.

R.S. 14:511(A)(2) is all proposed new law.

(2) The charging or collecting of a late fee or late charge, service charge, or any other fee or charge on any late or unpaid installment payment, however phrased or denominated, if such fee is in excess of forty-five percentum of the amount of the late or unpaid installment payment or five dollars or more.

R.S. 14:511(A)(3) is all proposed new law.

(3) The charging or collecting of any fee on an extension of credit that exceeds the amount of credit authorized by a lender in an amount in excess of forty-five percentum of the amount by which the extension of credit exceeds the authorized amount or five dollars or more.

B. Whoever commits the crime of loansharking as defined in Paragraph (A)(1) of this Section is guilty of a felony and shall be punished by a fine of not more than ten thousand dollars or imprisoned for not less than one year nor more than five years with or without hard labor, or both.

C. ~~(1) For the purposes of this Part, the term "person" shall mean any individual, partnership, corporation, or combination of individuals. Whoever commits the crime of loansharking as defined in Paragraph (A)(2) or (3) of this Section is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each violation plus all costs and expenses incurred by the district attorney or the attorney general in the investigation and prosecution of such case which the court shall transfer to the appropriate district attorney or the attorney general.~~

(2) Any victim of loansharking under the provisions of this Paragraph shall reserve the right to pursue any civil remedy in

court of law for damages and recovery of any amount illegally charged.

R. S. 14:511(D) is all proposed new law.

D. The offense of loansharking shall have been committed when the offender gives or the victim receives either verbal or written communication from the offender attempting to solicit, charge, collect, or receive any interest, fee, or charge the amount of which equals or exceeds forty-five percentum per annum in any manner provided in this Section.

R.S. 14:511(E) is all proposed new law.

E. A defense to prosecution for loansharking shall exist when the offender is a state or national bank, credit union, or other licensed financial institution regulated by a state government or the federal government, and the charges imposed by the offender are authorized or permitted by the rules and regulations of all of the regulatory agencies having supervisory authority over such financial institution.

On motion of Senator Lentini, the committee substitute bill was adopted and becomes Senate Bill No. 1101 by Senator Irons, substitute for Senate Bill No. 1092 by Senator Irons.

SENATE BILL NO. 1101 (Substitute for Senate Bill 1092 by Senator Irons)—

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 14:511, relative to loansharking; to provide for determination of the crime of loansharking relative to the imposition of certain fees and charges; to provide penalties for such determinations; to eliminate exemptions from prosecution for loansharking for transactions related to banking and civil law provisions; to provide for defenses to prosecution; and to provide for related matters.

The bill was read by title; lies over under the rules.

SENATE BILL NO. 1098—

BY SENATOR MALONE

AN ACT

To enact R.S. 30:29 through 29.4, relative to the water supply of the Sparta Groundwater area; to provide for powers and duties of the office of conservation for such purposes; to provide for rules and regulations; to provide for funding; to provide for fees; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 1098 by Senator Malone

##### AMENDMENT NO. 1

On page 1, line 2, change "29.4" to "29.3"

##### AMENDMENT NO. 2

On page 1, line 4, after "to provide" delete the remainder of the line and insert "for procedures for classifying water wells; to"

##### AMENDMENT NO. 3

On page 1, line 5, after "funding;" delete "to provide for fees;"

AMENDMENT NO. 4

On page 1, line 8, change "29.4" to "29.3"

AMENDMENT NO. 5

On page 2, delete lines 18 through 22

AMENDMENT NO. 6

On page 2, line 23, change "(6)(a)" to "(4)(a)"

AMENDMENT NO. 7

On page 2, line 25, change "commission" to "office"

AMENDMENT NO. 8

On page 2, line 27, change "commission members" to "office representatives"

AMENDMENT NO. 9

On page 3, line 6, change "(7)" to "(5)"

AMENDMENT NO. 10

On page 3, line 9, delete "fees;"

AMENDMENT NO. 11

On page 3, line 12, delete "establishing permitting procedures and"

AMENDMENT NO. 12

On page 3, line 13, delete "Permits and" and on line 14, delete "permitting procedures" and insert "Procedures"

AMENDMENT NO. 13

On page 3, line 14, after "for" and before "each" insert "classifying"

AMENDMENT NO. 14

On page 3, delete lines 21 through 27 and on page 4, delete lines 1 and 2, and insert "B. The office may hold public hearings as"

AMENDMENT NO. 15

On page 4, line 4, change "29.4" to "29.3"

AMENDMENT NO. 16

On page 4, line 9, after "provide" delete the remainder of the line and delete lines 10 through 13 and insert "assistance in developing water use studies."

AMENDMENT NO. 17

On page 4, line 15, after "hundred" delete "fifty"

AMENDMENT NO. 18

On page 4, delete line 18 and on line 19, change "Section 3." to "Section 2."

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**HOUSE BILL NO. 679—**

BY REPRESENTATIVES MCMAINS, WALSWORTH, AND CLARKSON  
AN ACT

To amend and reenact all of Chapter 9 of Title 10 of the Louisiana Revised Statutes of 1950, heretofore comprised of Parts 1 through 6 and consisting of R.S. 10:9-101 through 9-605, to be comprised of Parts 1 through 7 and consisting of R.S. 10:9-101 through 9-710, to amend and reenact R.S. 3:207 and 3652(14), R.S. 6:312(E) and 664(E), R.S. 9:3306(26), 3342(B), 4865(A)(2), 4870(B)(3), 4888(B)(4), 5001(A), 5551(A) and (C), R.S. 10:1-105(2)(e), 1-201(9), (32), and (37), R.S. 10:4-210(c)(1), R.S. 10:7-503(1), R.S. 10:8-103(f), 8-106(d) and (f), 8-110(e), 8-301(a), 8-302(a), and 8-510, R.S. 12:702(A) and (B), R.S. 23:1546(A), R.S. 32:708(B)(2)(b), 710, and 728(9), R.S. 37:218(A), R.S. 39:1421(2), R.S. 40:2601(1), R.S. 46:236.16(A), and Code of Civil Procedure Articles 2721(C) and 2725(B); to enact R.S. 10:5-118 and R.S. 39:1430.1; to repeal R.S. 9:2737, 3101 through 3112, 4321 through 4391, 4421, and 5351 through 5373, R.S. 12:704, and R.S. 32:704(B), all relative to secured transactions under Louisiana Commercial Laws; to revise the entirety of Chapter 9 to conform to revisions in the Uniform Commercial Code; to provide for definitions and general concepts; to provide for applicability; to provide for effectiveness of security agreements and attachment of security interests; to provide for perfection and priority of security interests; to provide for rights of a bank and of third parties; to provide for duties and operation of filing offices; to provide for uniform form of financing statements and amendments; to provide for fees; to provide for maintenance and destruction of records; to provide for default and enforcement of security interests; to provide for contents and form of notification before disposition of collateral; to provide relative to remedies for noncompliance; to provide for additional default remedies; to provide for transitional provisions; to provide for territorial application of Title 10; to define buyer in the ordinary course of business, purchase, and security interest; to provide relative to the security interest of collecting bank; to provide for the security interest of issuer or nominated person; to provide for document of title to goods defeated in certain cases; to provide for the effects of a commodity contract; to provide for determination of control of a security entitlement; to provide for determination of a securities intermediary's jurisdiction and when possession occurs; to provide for rights of purchaser in certain cases; to provide for conforming amendments; to repeal provisions relative to the schedule of fees; to repeal provisions relative to the assignment of accounts receivable; to repeal provisions relative to certain incorporeal rights and securitized financings; to repeal provisions relative to crop pledges; to repeal provisions relative to the pledge or assignment of secured instruments; to repeal provisions relative to chattel mortgages; to repeal provisions relative to the mortgage of movables used in commercial or industrial activity; to repeal provisions relative to certain mortgages executed by corporations operating natural gas pipelines; to repeal provisions relative to the sale and chattel mortgaging of vehicles; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**



Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 679 by Representative McMains

#### AMENDMENT NO. 1

On page 138, between lines 8 and 9, insert the following:

"(k) Subsections (d) and (f) do not apply to the assignment or transfer of or creation of a security interest in:

(1) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. 104(a)(1) or (2), as amended; or

(2) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. 1396p(d)(4), as amended."

#### AMENDMENT NO. 2

On page 142, between lines 22 and 23, insert the following:

"(g) Subsections (a) and (c) do not apply to the assignment or transfer or creation of a security interest in:

(1) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. 104(a)(1) or (2), as amended; or

(2) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. 1396p(d)(4), as amended."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

### **Rules Suspended**

Senator W. Fields asked for and obtained a suspension of the rules for the purpose of taking up at this time.

### **Introduction of Senate Concurrent Resolutions**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

#### **SENATE CONCURRENT RESOLUTION NO. 86—**

BY SENATORS W. FIELDS, CRAVINS, AND C.D. JONES AND REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE

#### **A CONCURRENT RESOLUTION**

To proclaim Wednesday, May 2, 2001, as Alpha Day in the Louisiana Legislature and to express support of Alpha Phi Alpha Fraternity, Incorporated's and Alpha Kappa Alpha Sorority, Incorporated's efforts to increase awareness of key issues in the African-American community.

The resolution was read by title. Senator W. Fields moved to adopt the Senate Concurrent Resolution.

### **ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President

Bajoie

Barham

Bean

Boissiere

Cain

Campbell

Chaisson

Cravins

Dardenne

Dean

Dupre

Total—34

Ellington

Fields, C

Fields, W

Fontenot

Gautreaux

Hines

Hollis

Hoyt

Irons

Johnson

Jones, B

Jones, C

NAYS

Total—0

ABSENT

Heitmeier

Lambert

Total—5

Romero

Tarver

Theunissen

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

### **Special Order of the Day**

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

#### **SENATE BILL NO. 239—**

BY SENATOR C. JONES

#### **AN ACT**

To amend and reenact R.S. 14:52.1(B), 56.2(D), 62.1(B) and (C), 62.2, 67.15(C), 69.1(B)(2), 70.1(B), 82(D), 91.7(C), 92.2(B), 92.3(C), 95(D) and (E), 106(G)(2)(a), (3), and (4), 106.1(C)(2), 119(D), 119.1(D), 122.1(D), 123(C)(1) and (2), 283(B)(2), (3), and (4), 352, and 402.1(B), R.S. 15:529.1(A)(1)(b)(ii) and (c)(ii), 1303(B), and 1304(B), R.S. 27:262(C), (D), and (E), 309(C), and 375(C), R.S. 40:966(B)(1) and (C)(1), 967(B)(2), (3), and (4)(a) and (b), 979(B), 981.2(C), and 981.3(E), and to repeal R.S. 15:529.1(G) and R.S. 40:966(F) and 967(G), relative to non-violent crimes; to provide relative to mandatory sentences for such crimes; to remove such mandatory sentences; and to provide for related matters.

### **Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

### **SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 239 by Senator C. Jones

#### AMENDMENT NO. 1

On page 4, between lines 11 and 12, insert " \*\*\* "

AMENDMENT NO. 2

On page 4, line 20, delete "A."

AMENDMENT NO. 3

On page 6, between lines 4 and 5, insert " \*\*\* "

AMENDMENT NO. 4

On page 6, line 20, insert " \*\*\* "

AMENDMENT NO. 5

On page 17, between lines 10 and 11, insert " \*\*\* "

AMENDMENT NO. 6

On page 17, line 11, following "(C)(1)" and before "967" delete ",and (F)"

AMENDMENT NO. 7

On page 19, line 18, delete " \*\*\* "

On motion of Senator Ullo, the amendments were adopted.

**Floor Amendments Sent Up**

Senator C. Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator C. Jones to Engrossed Senate Bill No. 239 by Senator C. Jones

AMENDMENT NO. 1

On page 5, line 23, change "parole" to "probation"

AMENDMENT NO. 2

On page 6, line 9, change "parole" to "probation"

On motion of Senator C. Jones, the amendments were adopted.

**Floor Amendments Sent Up**

Senator C. Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator C. Jones to Engrossed Senate Bill No. 239 by Senator C. Jones

AMENDMENT NO. 1

On page 1, line 2, delete "62.2,"

AMENDMENT NO. 2

On page 1, line 8, at the beginning of the line delete "and (C)(1)," and insert in lieu thereof ",(C)(1), (D), (E), (F), and (G),"

AMENDMENT NO. 3

On page 1, line 8, after "967(B)" delete "(2), (3), and (4)(a) and (b)" and insert "and (F),"

AMENDMENT NO. 4

On page 1, line 8, after "979" change "(B)" to "981.1"

AMENDMENT NO. 5

On page 1, line 8, after "981.2" and before the "(C)," insert "(B) and"

AMENDMENT NO. 6

On page 1, delete line 9, and insert "981.3(A)(1) and (E), and to enact R.S. 15:574.22, and Code of Criminal Procedure Art. 893(A),"

AMENDMENT NO. 7

On page 1, line 10, delete "967(G),"

AMENDMENT NO. 8

On page 1, line 14, delete "62.2,"

AMENDMENT NO. 9

On page 3, delete lines 2 through 11

AMENDMENT NO. 10

On page 13, line 11, after "reenacted" insert "and R.S. 15:574.22 is hereby enacted"

AMENDMENT NO. 11

On page 14, line 4, delete lines 4 through 13 and insert in lieu thereof the following:

"(ii) If the third felony ~~or either~~ **and each** of the two prior felonies is a felony defined as a crime of violence under R.S. 14:2(13) or as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for ~~more than five~~ **ten** years ~~or more~~ or any other crime punishable by imprisonment for more than twelve years, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence."

AMENDMENT NO. 12

On page 14, line 18 delete lines 18 through 26 and insert in lieu thereof the following:

"(ii) If the fourth ~~or subsequent~~ felony ~~or and~~ any of the ~~two~~ prior felonies ~~is a~~ **are felony felonies** defined as ~~a crime~~ **crimes** of violence under R.S. 14:2(13) or as ~~a violation~~ **violations** of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for ~~more than five~~ **ten** years ~~or more~~ or of any other crime punishable by imprisonment for more than twelve years, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence."

AMENDMENT NO. 13

On page 15, delete line 1

AMENDMENT NO. 14

On page 15, between lines 2 and 3 insert the following:

"§574.22. Louisiana Risk Review Panel

**R.S. 15:574.22 is all proposed new law.**

A. The Louisiana Risk Review Panel is hereby created within the Department of Public Safety and Corrections. The Secretary of the Department of Public Safety and Corrections may create not more than three risk review panels. The panels shall be domiciled in Baton Rouge.

B. Each panel shall consist of five members in accordance with the following provisions:

(1) Three members shall be board certified psychologists. They shall be selected, on a rotating basis from a pool of nine psychologists authorized and approved by the Secretary of the Department of Public Safety and Corrections.

(2) One member shall be the warden, or in his absence the deputy warden, of the institution where the offender is incarcerated.

(3) One member shall be the Secretary of the Department of Public Safety and Corrections, or his designee, who shall be chairman.

C. A majority of the members of each panel shall constitute a quorum. All official actions of the panel shall require the affirmative vote of a majority of the members of the panel.

D. Members, other than the secretary, warden, their designees, or psychologists who are employees of the department, may receive a per diem for each day spent in actual attendance of meetings of the panel. The amount of the per diem shall be fixed by the secretary in an amount not to exceed forty dollars per hour. Members may also receive a mileage allowance for mileage traveled in attending meetings. The mileage allowance shall be fixed by the panel in an amount not to exceed the mileage rate for state employees.

E. Each panel shall meet once a month and may meet on the call of each chairman or upon the request of any three members.

F. The panels shall review, notwithstanding the provisions of R.S. 15:574.12, presentence reports, prison records, medical and psychological records, information and data gathered by the staffs of the boards of pardons and parole, information provided by the convicted person, the district attorney, the assistant district attorney, and any other information obtained by the boards or the Department of Public Safety and Corrections.

G. The panel shall have the duty to evaluate the risk of danger to society which each person who has been convicted of a non-violent crime, and who is confined in a prison facility of any kind, may present if released from confinement. The panel may also evaluate the risk of danger to society which may be imposed by convicted persons who have been incarcerated in a prison facility for twenty years or more.

H. The Secretary of the Department of Public Safety and Corrections, on or before January 1, 2002, shall adopt and promulgate rules, regulations, and procedures under which the panels shall perform their duties. The rules, regulations, and procedures shall include, but shall not be limited to the following:

(1) The requirements necessary for a convicted person to apply and be considered for risk review, the type of crime committed, the age of the convicted person, the time served in confinement, the prison record of the convicted person, the damage or injury occasioned by the crime committed, any resources available to the person in the event of release, and any other criteria or information which the panel may deem to be advisable or helpful in the performance of its duty.

(2) The psychological evaluations or other evaluations which shall be utilized in order for the panel to make the risk evaluation required by this Section.

(3) The manner in which a victim of the crime or crimes committed by the convicted person may provide information to the panel.

(4) The procedure by which persons who are to be evaluated may apply for such risk evaluation.

(5) The frequency with which such persons may apply for risk evaluation.

(6) The procedure by which risk evaluations shall be conducted, whether by record review only, by hearing only, or by both record review and hearing.

(7) The manner in which a recommendation of the panel shall be determined, reported, and disseminated.

I. When a panel has determined by a preponderance of the evidence that a person will not present a risk of danger to society if released from confinement, the panel may recommend that the person be considered for clemency by the pardon board, or the panel may recommend that the person be considered for parole by the parole board. The panel may also recommend to the appropriate board such conditions for clemency or parole as it may deem advisable.

J. The appropriate board shall, within ninety days of receiving the panel's recommendation, make a final determination on the matter. If the decision of the board differs from the recommendation of the panel, the board shall issue a written opinion outlining the basis for the rejection of the panel's recommendation.

\* \* \*

#### AMENDMENT NO. 15

On page 17, line 11, after "R.S. 40:966(B)(1), (C)(1)," insert (D), (E), (F), and (G),"

#### AMENDMENT NO. 16

On page 17, line 11, after "967(B)" delete "(2), (3), and (4)(a)"

#### AMENDMENT NO. 17

On page 17, line 12, at the beginning of the line delete "and (b), 979(B)," and insert in lieu thereof ",and (F), 979, and 981.1,"

#### AMENDMENT NO. 18

On page 17, line 12, after "981.2" and before the "(C)" insert "(B) and"

#### AMENDMENT NO. 19

On page 17, line 12, after "981.3" and before "(E)" insert "(A)(1) and"

#### AMENDMENT NO. 20

On page 17, line 22, after "sentenced to" change "life imprisonment" to "**not less than five nor more than thirty years**" and at the end of the line add "benefit of probation, or suspension of sentence"

#### AMENDMENT NO. 21

On page 18, between lines 11 and 12, insert the following:

#### **"R. S. 40:966(D) is all proposed new law.**

D. Other penalizes for possession. (1) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a

fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

" ~~D~~ E. Possession of marijuana. (1) Except as provided in Subsections E and F hereof, on a first conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.

\* \* \*

E. F. Except as otherwise authorized in this Part:

(1) Any person who knowingly or intentionally possesses sixty pounds or more, but less than two thousand pounds of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~ten five~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars.

(2) Any person who knowingly or intentionally possesses two thousand pounds or more, but less than ten thousand pounds of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~twenty ten~~ years nor more than ~~eighty thirty~~ years, and to pay a fine of not less than one hundred thousand dollars nor more than four hundred thousand dollars.

(3) Any person who knowingly or intentionally possesses ten thousand pounds or more of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~fifty fifteen~~ years, nor more than ~~eighty thirty~~ years and to pay a fine of not less than four hundred thousand dollars nor more than one million dollars.

~~F~~ G. With respect to any person to whom the provisions of Subsection ~~E D and F~~ are applicable, the adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for probation or parole prior to serving the minimum sentences provided by Subsection E."

AMENDMENT NO. 22

On page 18, line 17 delete " \* \* \*" and insert the following:

"(1) A substance classified in Schedule II which is a narcotic drug, except cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964, or which is an amphetamine or methamphetamine, shall be sentenced to a term of imprisonment at hard labor for not less than ~~five two~~ years nor more than thirty years; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars."

AMENDMENT NO. 23

On page 18, line 19, after "not less than" delete "seven" and insert "two"

AMENDMENT NO. 24

On page 18, line 25, after "not less than" delete "forty" and insert "ten"

AMENDMENT NO. 25

On page 18, line 25, after "nor more than" delete "ninety-nine" and insert "thirty"

AMENDMENT NO. 26

On page 19, line 4, at the end of the sentence delete "life"

AMENDMENT NO. 27

On page 19, line 5, at the beginning of the line after "imprisonment at hard labor" insert "for not less than ten nor more than thirty years"

AMENDMENT NO. 28

On page 19, line 12, after "not less than" delete "five" and insert "two"

AMENDMENT NO. 29

On page 19, line 13, after "years" insert the following:

",with the first ~~five two~~ years of said sentence being without benefit of parole, probation, or suspension of sentence;"

AMENDMENT NO. 30

On page 19, between lines 17 and 18 insert the following:

"F. Other penalizes for possession. (1) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~ten five~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~twenty ten~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(2) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of their analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~ten five~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine

or any of their analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~twenty ten~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of its analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~thirty fifteen~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

(3) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues as provided in Schedule II (D)(2) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~ten five~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues as provided in Schedule II (D)(2) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~twenty ten~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues as provided in Schedule II (D)(2) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ~~thirty fifteen~~ years, nor more than ~~sixty thirty~~ years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars."

#### AMENDMENT NO. 31

On page 19, line 20, delete the "\*" \* \*" and insert in lieu thereof the following:

"A. Except as otherwise provided herein, any person who attempts or conspires to commit any offense denounced and or made unlawful by the provisions of this Part shall, upon conviction, be fined or imprisoned in the same manner as for the offense planned or attempted, but such fine or imprisonment shall not exceed one-half of the ~~longest term of imprisonment punishment~~ prescribed for the offense, the commission of which was the object of the attempt or conspiracy."

#### AMENDMENT NO. 32

On page 19, delete lines 21 through 27

#### AMENDMENT NO. 33

On page 20, delete line 1

#### AMENDMENT NO. 34

On page 20, between lines 2 and 3 insert the following:

" §981. Distribution to persons under age eighteen

A. Persons over twenty-five to persons under eighteen. Any person who is at least twenty-five years of age, or more, who violates R.S. 40:966 or R.S. 40:967 by distributing a substance, listed in Schedules I or II, which is a narcotic drug, to a person under eighteen years of age, shall, upon conviction, be punished by ~~life~~ imprisonment at hard labor for not less than ten nor more than thirty years.

B. Any person who is at least eighteen years of age who violates R.S. 40:966 or R.S. 40:967 by distributing a substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior shall, upon conviction, be punished by a term of imprisonment of ~~up to twice that authorized by R.S. 40:966 or R.S. 40:967 or by payment of not more than twice the fine authorized by R.S. 40:966 or R.S. 40:967; or both:~~ not less than five nor more than thirty years.

C. Any person who is at least eighteen years of age who violates R.S. 40:966-R.S. 40:970 by distributing any other controlled dangerous substance listed in Schedules I, II, III, IV and V to a person under eighteen years of age who is at least three years his junior shall, upon conviction, be punished by a term of imprisonment up to ~~twice that~~ one and one-half times the longest term of imprisonment authorized by R.S. 40:966-R.S. 40:970 or by payment of not more than twice the fine authorized by R.S. 40:966-R.S. 40:970, or both.

#### §981.1. Distribution to a student

Any person who violates any provision of R.S. 40:966 through R.S. 40:970 by distributing any controlled dangerous substance listed in Schedules I, II, III, IV, and V to any student enrolled in any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution in Louisiana shall, upon conviction, be punished by a term of imprisonment of not more than ~~twice that~~ one and one-half times the longest term of imprisonment authorized by the applicable provisions of R.S. 40:966 through R.S. 40:970 or by payment of not more than twice the fine authorized by the applicable provisions of R.S. 40:966 through R.S. 40:970, or both."

#### AMENDMENT NO. 35

On page 20, between lines 5 and 6 insert the following:

"B. Except as provided in Subsection C of this Section, any person who violates the provisions of this Section shall upon conviction be punished by a term of imprisonment of not more than one and one-half times the longest term of imprisonment ~~twice that~~ authorized by the applicable provision of R.S. 40:966 through 970, or by a fine of not more than twice that authorized by such applicable provision, or both."

#### AMENDMENT NO. 36

On page 20, line 10, after "for not less than" delete the remained of the sentence and lines 11 and 12 and insert "ten nor more than thirty years."

#### AMENDMENT NO. 37

On page 20, between lines 13 and 14 insert the following:

A.(1) Any person who violates a felony provision of R.S. 40:966 through R.S. 40:970 of the Uniform Controlled Dangerous Substances Law while on any property used for school purposes by any school, within one thousand feet of any such property, or while on a school bus, shall, upon conviction, be punished in accordance with Subsection E."

AMENDMENT NO. 38

On page 20, line 15, delete "(1) On a first conviction, whoever" and insert "Whoever"

AMENDMENT NO. 39

On page 20, line 16, after "fine" insert "**and be imprisoned for**"

AMENDMENT NO. 40

On page 20, line 17, delete "less than one-half nor more than the maximum term of " and insert in lieu thereof "**more than one and one-half times the longest term of "**

AMENDMENT NO. 41

On page 20, line 19, after "R.S. 40:970" delete the remainder of the sentence and lines 20 through 23 and insert a ";"

AMENDMENT NO. 42

On page 20, delete lines 24 through 27

AMENDMENT NO. 43

On page 21, delete lines 1 through 6

AMENDMENT NO. 44

On page 21, between lines 6 and 7, insert the following:

"Section 5. Code of Criminal Procedure Art. 893(A) is hereby amended  
and reenacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

A. When it appears that the best interest of the public and of the defendant will be served, the court, after a first or second conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. The court shall not suspend the sentence of a conviction for a crime of violence as defined in R.S.14:2(13)(a), (b), (c), (d), (e), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (t), (v), (w), (x), (bb), (cc), or (dd), or of a second conviction if the second conviction is for a violation of R.S. 14:73.5, R.S. 14:81.1, or R.S. 14:81.2, or for a violation of the Uniform Controlled Dangerous Substances Law ~~punishable by a term of imprisonment for more than five years. as prohibited by R.S. 40:966(D) and (F) and 40:967(G).~~ The period of probation shall be specified and shall not be less than one year nor more than five years. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

\* \* \*

AMENDMENT NO. 45

On page 21, delete lines 7 and 8

Senator C. Jones moved the adoption of Amendments No. 1 through 20.

Without objection, Amendments No. 1 through 20 were adopted.

Senator C. Jones moved the adoption of Amendments No. 21 through 45.

Without objection, Amendments No. 21 through 45 were adopted.

The bill was read by title. Senator C. Jones moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Jones, B
Bajoie	Ellington	Jones, C
Barham	Fields, C	Marionneaux
Bean	Fields, W	McPherson
Boissiere	Gautreaux	Mount
Campbell	Hines	Schedler
Chaisson	Hollis	Smith
Cravins	Hoyt	Thomas
Dardenne	Irons	Ullo
Dean	Johnson	
Total—29		

**NAYS**

Cain	Lentini	Michot
Fontenot	Malone	
Total—5		

**ABSENT**

Heitmeier	Romero	Theunissen
Lambert	Tarver	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Ullo asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 239. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

**Special Order of the Day**

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

**SENATE BILL NO. 965—**

BY SENATORS HOYT AND MCPHERSON AND REPRESENTATIVE DANIEL

**AN ACT**

To amend and reenact R.S. 38:3091, 3092, 3094, 3095, 3096, 3098.5 and 3098.6, and to enact R.S. 36:4(V) and R.S. 38:3097.1 and 3097.2, all relative to ground water resources in the state of Louisiana; to create the Ground Water Management Commission in the office of the governor; to create the Ground Water Management Advisory Task Force; to provide for the powers, duties, functions, and responsibilities of each of these entities as they relate to ground water management; to provide for adoption of rules and regulations for the determination of critical ground water areas and possible limitation of access to ground water sources and response to emergency situations; to require the development of a plan for implementation of a statewide comprehensive ground water management system; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hoyt sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hoyt to Engrossed Senate Bill No. 965 by Senators Hoyt et al

**AMENDMENT NO. 1**

On page 1, delete lines 2 and 3, and insert in lieu thereof the following: To enact R.S. 36:4(V) and Chapter 13-C of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3099.1 through 3099.4,"

**AMENDMENT NO. 2**

On page 2, delete lines 9 and 10 in their entirety and insert in lieu thereof the following:

"Section 2. Chapter 13-C of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3099.1 through 3099.4, is hereby"

**AMENDMENT NO. 3**

On page 2, delete lines 12 through 26 and delete pages 3 through 9 in their entirety

**AMENDMENT NO. 4**

On page 10, delete lines 1 through 4 in their entirety and insert in lieu thereof the following:

**"CHAPTER 13-C. GROUND WATER MANAGEMENT**  
**R.S. 38:3099.1 is all proposed new law.**

§3099.1. Legislative findings; purpose

The utilization of ground water resources is hereby found and declared to be a matter of public interest. In the public interest, a comprehensive ground water management system must be implemented. Such ground water management system must take into

consideration the requirements, needs, and obligations of all stakeholders of ground water in the state of Louisiana. Any such system shall be based upon good management practices and sound science and must include as a goal the long-term protection of each aquifer. Ground water must be managed, protected, and regulated in the best interests of all the citizens of the state.

R.S. 38:3099.2 is all proposed new law.

**§3099.2. Definitions**

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

(1) "Persons" means any natural person, corporation, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

(2) "Ground water" is water suitable for any beneficial purpose percolating below the earth's surface.

(3) "Well" or "water well" shall mean any well drilled or constructed for the principal purpose of producing ground water.

(4) "Beneficial purpose" or "beneficial use" means the use of ground water for domestic, municipal, industrial, agricultural, recreational or therapeutic purposes.

(5) "User" means any person making any beneficial use of ground water from a well or wells owned or operated by such person or from a well or wells owned or operated solely for the production of water used by such person.

(6) "Sustainability" means the development and use of ground water in a manner that can be maintained for the present and future time without causing unacceptable environmental, economic, social, or health consequences.

(7) "Critical ground water area" means an area where sustainability of an aquifer is not being maintained under current or projected usage or under normal environmental conditions."

**AMENDMENT NO. 5**

On page 10, line 5, change "3097.1." to "3099.3."

**AMENDMENT NO. 6**

On page 10, after line 27, add the following:

"(10) A member appointed by the governor from a list of three nominations submitted by the Police Jury Association of Louisiana.

(11) A member appointed by the governor from a list of three nominations submitted by the Louisiana Municipal Association."

**AMENDMENT NO. 7**

On page 11, between lines 3 and 4, insert the following:

"C. Beginning July 1, 2001, for any water well which is drilled for purposes other than domestic use and which is not a replacement well, the owner shall submit to the commissioner of conservation, at least sixty days prior to drilling the well, information showing the name of the driller, the projected location of the well in latitude, longitude, and depth, the capacity of the well, and the ownership of the well, together with other information as the commissioner may reasonably require. However, for just cause the commission may vote to waive this requirement for prior registration. For any well not registered with the director of public works under the provisions of Chapter 13-A of Title 38 of the Louisiana Revised Statutes of 1950 prior to July 1, 2001, this information shall be collected at a time when the information is needed to determine a critical ground water area or to determine the impact of drilling a proposed new well."

AMENDMENT NO. 8

On page 11, line 4, change "C." to "D."

AMENDMENT NO. 9

On page 12, line 4, change "D." to "E."

AMENDMENT NO. 10

On page 12, line 10, change "E." to "F."

AMENDMENT NO. 11

On page 12, line 19, change "3097.2" to "3099.4"

AMENDMENT NO. 12

On page 13, delete lines 4 through 26 in their entirety and delete page 14 in its entirety and on page 15, delete lines 1 through 9 in their entirety

AMENDMENT NO. 13

On page 15, line 17, change "38:3091" to "38:3099.1"

AMENDMENT NO. 14

On page 17, after line 27, add the following:

"(37) The dean of the Southern University College of Agriculture, Family, and Consumer Science or his designee."

AMENDMENT NO. 15

On page 18, delete line 5, and insert in lieu thereof the following:

"develop and present to the House Committee on Environment, the House Committee on Natural Resources, the Senate Committee on Environmental Quality and the Senate Committee on Natural Resources, the plan for"

AMENDMENT NO. 16

On page 18, line 12, after "areas;" insert the following: "reassessment of any area which may have been declared a critical ground water area by the Ground Water Management Commission;"

AMENDMENT NO. 17

On page 18, line 24, change "promulgated" to "presented to the legislative oversight committees for their approval"

On motion of Senator Hoyt, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Cain sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cain to Engrossed Senate Bill No. 965 by Senator Hoyt

AMENDMENT NO. 1

On page 10, delete line 11 and insert:

"(1) One member, appointed by the governor, who is a geologist or an engineer with expertise in groundwater resource management."

AMENDMENT NO. 2

On page 10, following line 27, insert:

"(10) One member, appointed by the governor, who is a member of Louisiana Farm Bureau and a farmer actively engaged in farming and whose primary source of income is from such farming activity.

(11) One member who is appointed by the Sparta Groundwater Conservation District Board of Commissioners."

AMENDMENT NO. 3

On page 13, lines 2 and 3, change "Natural Resources and the Senate Committee on Natural Resources" to "on Environment and the Senate Committee on Environmental Quality."

Senator Cain moved the adoption of Amendment No. 3.

Without objection, Amendment No. 3 was adopted.

Senator Cain moved the adoption of Amendment No. 1.

Senator Hoyt objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Ellington	Lentini
Barham	Fields, C	Malone
Bean	Fields, W	Marionneaux
Boissiere	Fontenot	McPherson
Cain	Gautreaux	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Total—32		

**NAYS**

Hoyt	Michot
Total—2	

**ABSENT**

Mr. President	Lambert	Theunissen
Heitmeier	Tarver	
Total—5		

The Chair declared Amendment No. 1 was adopted.

Senator Cain moved the adoption of Amendment No. 2.

Senator Hoyt objected.



**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dean	Jones, C
Bajoie	Ellington	Lentini
Barham	Fields, C	Marionneaux
Bean	Fields, W	McPherson
Boissiere	Gautreaux	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Ullo
Dardenne	Jones, B	
Total—29		

**NAYS**

Dupre	Hoyt	Michot
Fontenot	Malone	Thomas
Total—6		

**ABSENT**

Heitmeier	Tarver
Lambert	Theunissen
Total—4	

The Chair declared Amendment No. 2 was adopted.

**Floor Amendments Sent Up**

Senator Malone sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Malone to Engrossed Senate Bill No. 965 by Senator Hoyt

**AMENDMENT NO. 1**

On page 10, after line 27, insert the following:

"(10) A representative from Louisiana State University, Department of Geology.

(11) A representative from Louisiana Tech University, Department of Geology.

(12) A representative from University of Louisiana at Monroe, Department of Geology.

(13) A representative from University of Louisiana at Lafayette, Department of Geology."

**AMENDMENT NO. 2**

On page 17, line 27, after "engineer" insert "with reservoir experience"

**AMENDMENT NO. 3**

On page 17, after line 27 insert the following:

"(37) A representative from Louisiana State University, Department of Geology.

(38) A representative from Louisiana Tech University, Department of Geology.

(39) A representative from University of Louisiana at Monroe, Department of Geology.

(40) A representative from University of Louisiana at Lafayette, Department of Geology."

Senator Malone moved the adoption of Amendments No. 2 and 3.

Without objection, Amendments No. 2 and 3 were adopted.

Senator Malone moved the adoption of Amendment No. 1.

Senator Hoyt objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Hines	Mount
Campbell	Hollis	Romero
Cravins	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, C	
Fields, C	Lentini	
Total—25		

**NAYS**

Mr. President	Dardenne	Michot
Barham	Hoyt	Ullo
Chaisson	Jones, B	
Total—8		

**ABSENT**

Ellington	Lambert	Theunissen
Heitmeier	Tarver	Thomas
Total—6		

The Chair declared Amendment No. 1 was adopted.

**Floor Amendments Sent Up**

Senator Cravins sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 965 by Senator Hoyt

**AMENDMENT NO. 1**

On page 12, line 14, change "July" to "January"

Senator Cravins moved adoption of the amendments.

Senator Hoyt objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Boissiere	Cravins	Irons
Cain	Dean	Johnson
Campbell	Fields, C	Jones, C
Chaisson	Fields, W	
Total—11		

**NAYS**

Mr. President	Gautreaux	Mount
Bajoie	Hines	Romero
Barham	Hollis	Schedler
Bean	Hoyt	Smith
Dardenne	Jones, B	Theunissen
Dupre	Malone	Thomas
Ellington	McPherson	Ullo
Fontenot	Michot	
Total—23		

**ABSENT**

Heitmeier	Lentini	Tarver
Lambert	Marionneaux	
Total—5		

The Chair declared the amendments were rejected.

**Floor Amendments Sent Up**

Senator McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 965 by Senator Hoyt

**AMENDMENT NO. 1**

On page 17, after line 27, add the following:

"(37) A representative of the Louisiana Environmental Action Network"

On motion of Senator McPherson, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Malone sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Malone to Engrossed Senate Bill No. 965 by Senator Hoyt

**AMENDMENT NO. 1**

On page 1, line 13, after "system;" insert "to provide for the Louisiana Geological Survey;"

**AMENDMENT NO. 2**

On page 12, between lines 18 and 19, insert the following:

"F. In making any determinations made by the commission under the provisions of this Section, the commission shall allow the submittal of technical data and written recommendations from the Louisiana Geological Survey."

On motion of Senator Malone, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Hoyt sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hoyt to Engrossed Senate Bill No. 965 by Senator Hoyt

**AMENDMENT NO. 1**

Delete Senate Floor Amendment No. 1, Set 206, proposed by Senator Cain and adopted by the Senate on May 2, 2001

**AMENDMENT NO. 2**

On page 10, after line 27, insert:

"(12) One member, appointed by the governor, who is a geologist or an engineer with expertise in groundwater resource management."

On motion of Senator Hoyt, the amendments were adopted.

**Floor Amendments Sent Up**

Senator McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 965 by Senator Hoyt

**AMENDMENT NO. 1**

Delete Amendment No. 1, identified as No. 202, proposed by Senator McPherson and adopted by the Senate on May 2, 2001

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator Hoyt moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Bajoie	Fields, C	Malone
Barham	Fields, W	Marionneaux
Bean	Fontenot	McPherson
Boissiere	Gautreaux	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Heitmeier	Lambert	Tarver
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hoyt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 66—**

BY SENATOR JOHNSON

**A CONCURRENT RESOLUTION**

To create and provide for a joint legislative committee to study and make recommendations with respect to the prevention of childhood death and injury through accidental access to handguns stored in the home or personal vehicle.

Reported favorably by the Committee on Judiciary C.

The resolution was read by title. Senator Johnson moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	McPherson
Bajoie	Hines	Michot

Bean	Hollis	Mount
Boissiere	Hoyt	Romero
Chaisson	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Fields, C	Lentini	Ullo
Fields, W	Malone	
Fontenot	Marionneaux	
Total—31		

**NAYS**

Barham	Ellington
Total—2	

**ABSENT**

Cain	Cravins	Lambert
Campbell	Heitmeier	Tarver
Total—6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**SENATE BILL NO. 23—**

BY SENATORS CAMPBELL, MCPHERSON, MOUNT, FONTENOT, IRONS, W. FIELDS, HEITMEIER, MCPHERSON AND SCHEDLER AND REPRESENTATIVES ILES, CAZAYOUX, JANE SMITH, DUPRE, ANSARDI AND DURAND

**AN ACT**

To enact Chapter 8-H of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.11 through 844.15, relative to telephone solicitation; to provide for a "do not call" listing of residential telephone subscribers; to provide for listing procedures; to prohibit certain acts; to provide for notification; to provide for penalties for violations; and to provide for related matters.

On motion of Senator Campbell, the bill was read by title and returned to the Calendar, subject to call.

**Senator Ellington in the Chair****SENATE BILL NO. 57—**

BY SENATORS HAINKEL AND THEUNISSEN

**AN ACT**

To amend and reenact R.S. 17:3991(B)(1)(a), relative to required charter school provisions; to provide admission and enrollment requirements regarding at-risk students in the case of a charter school established with the educational mission of meeting the needs of students who are the dependent children of military personnel; and to provide for related matters.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Bajoie	Fields, C	Malone
Barham	Fields, W	McPherson
Bean	Fontenot	Michot
Boissiere	Gautreaux	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Theunissen
Dardenne	Johnson	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Total—35		

**NAYS**

Total—0

**ABSENT**

Heitmeier	Marionneaux
Lambert	Tarver
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 117—**

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE  
AN ACT

To amend and reenact R.S. 15:587.1(A), relative to criminal history review of school employees; to provide relative to the availability to school employers and to the state Department of Education of certain criminal history record information of school employees; to provide for confidentiality; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Fields, W	Malone
Barham	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero

Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lentini	
Total—32		

**NAYS**

Total—0

**ABSENT**

Mr. President	Heitmeier	Tarver
Cravins	Lambert	
Fields, C	Marionneaux	
Total—7		

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 121—**

BY SENATOR SCHEDLER

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 10(K) of the Constitution of Louisiana, relative to the expenditure of state funds; to authorize the reduction of certain mandatory expenditures, appropriations, and allocations from the state general fund and dedicated funds under certain circumstances; to authorize limited redirection of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, for other nonmandatory uses under certain circumstances; to authorize the legislature to provide for implementation; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 121 by Senator Schedler

**AMENDMENT NO. 1**

On page 4, line 22, following the open parenthesis "(" delete the remainder of the line and on line 23, change "VII, Section 10(F); adds" to "Adds"

On motion of Senator Ullo, the amendments were adopted.

On motion of Senator Schedler, the amended bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 124—**

BY SENATOR MALONE

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 10 (K) of the Constitution of Louisiana, relative to mandates and dedications on the expenditure of state funds; to provide relative to reductions in otherwise mandated or dedicated expenditures; to provide relative to authority to appropriate for any purpose money from certain dedicated funds; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Malone, the bill was read by title and returned to the Calendar, subject to call.

**Senator W. Fields in the Chair****SENATE BILL NO. 200—**

BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 39:461.4(A) and (B) and 461.5, and to enact R.S. 39:461.9, relative to the Interim Emergency Board; to authorize the board to make certain changes to capital outlay projects in a capital outlay act and capital outlay budget upon approval of the legislature by mail ballot; to require the written request of certain legislators and agencies; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, C	Malone
Bajoie	Fields, W	McPherson
Barham	Fontenot	Michot
Bean	Gautreaux	Mount
Boissiere	Hines	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Irons	Theunissen
Dardenne	Johnson	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Ellington	Lentini	
Total—34		

**NAYS**

Total—0

**ABSENT**

Cravins	Lambert	Tarver
Heitmeier	Marionneaux	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 240—**

BY SENATOR ELLINGTON

**A JOINT RESOLUTION**

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, relative to the prohibited use of funds, credit, property or things of value of the state or political subdivisions; to provide exceptions for purposes of economic development and for purposes of investment of a portion of the Medicaid Trust Fund for the Elderly; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

**Mr. President in the Chair****Floor Amendments Sent Up**

Senator Ellington sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 240 by Senator Ellington

**AMENDMENT NO. 1**

On page 1, line 5, after "development" delete the remainder of the line and delete line 6 and insert "; and"

**AMENDMENT NO. 2**

On page 3, line 20, after "law" delete the remainder of the line and insert a period "." and delete lines 21 through 23, in their entirety

**AMENDMENT NO. 3**

On page 4, line 7, after "law" delete the remainder of the line, delete line 8 and on line 9, delete "the Elderly"

On motion of Senator Ellington, the amendments were adopted.

On motion of Senator Ellington, the amended bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 244—**

BY SENATOR MALONE

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 10.11 of the Constitution of Louisiana,

**Floor Amendments Sent Up**

Senator Malone sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Malone to Engrossed Senate Bill No. 244 by Senator Malone

**AMENDMENT NO. 1**

On page 2, line 10, after "drought" insert the following: "or to enhance and develop surface water resources for use by farmers for irrigation purposes, or both"

**AMENDMENT NO. 2**

On page 2, line 13, after "subsidies" insert the following: "and to provide revenue for the development and enhancement of surface water resources"

**AMENDMENT NO. 3**

On page 2, line 24, after "drought" insert the following: "or to provide for the development and enhancement of surface water resources for use by farmers for irrigation purposes, or both,"

On motion of Senator Malone, the amendments were adopted.

The bill was read by title. Senator Malone moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, W	McPherson
Bajoie	Fontenot	Mount
Barham	Gautreaux	Romero
Bean	Hines	Schedler
Cain	Hollis	Smith
Campbell	Johnson	Theunissen
Chaisson	Jones, C	Thomas
Ellington	Malone	Ullo
Total—24		

**NAYS**

Dardenne	Hoyt	Lentini
Dean	Jones, B	
Total—5		

**ABSENT**

Boissiere	Heitmeier	Michot
Cravins	Irons	Tarver
Dupre	Lambert	
Fields, C	Marionneaux	
Total—10		

The Chair declared the amended bill failed to pass.

**Notice of Reconsideration**

Senator Malone, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

**Personal Privilege**

Senator Michot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 244. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 86—**

BY SENATORS W. FIELDS, CRAVINS, AND C.D. JONES AND REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE

**A CONCURRENT RESOLUTION**

To proclaim Wednesday, May 2, 2001, as Alpha Day in the Louisiana Legislature and to express support of Alpha Phi Alpha Fraternity, Incorporated's and Alpha Kappa Alpha Sorority, Incorporated's efforts to increase awareness of key issues in the African-American community.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Introduction of  
Senate Concurrent Resolutions**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

**SENATE CONCURRENT RESOLUTION NO. 87—**

BY SENATOR BARHAM

**A CONCURRENT RESOLUTION**

To commend the Louisiana State University School of Veterinary Medicine.

The resolution was read by title. Senator Barham moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Ellington	Jones, C	Ullo
Total—33		

**NAYS**

Total—0

**ABSENT**

Cravins	Heitmeier	Marionneaux
Dupre	Lambert	Tarver
Total—6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 88—**

BY SENATORS BAJOE, C. FIELDS AND W. FIELDS

**A CONCURRENT RESOLUTION**

To commend and congratulate Mr. Elisha "Tack" Jackson on being named the East Baton Rouge Parish High School Principal of the Year.

The resolution was read by title. Senator Bajoie moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, C	Malone
Bajoie	Fields, W	McPherson
Barham	Fontenot	Michot
Bean	Gautreaux	Mount
Boissiere	Hollis	Romero

Cain	Hoyt	Schedler
Campbell	Irons	Smith
Chaisson	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullo
Ellington	Lentini	
Total—32		

**NAYS**

Total—0

**ABSENT**

Cravins	Hines	Tarver
Dupre	Lambert	
Heitmeier	Marionneaux	
Total—7		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 483—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To enact Part I-A of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:408.1 through 408.5, relative to the Louisiana State Employees' Retirement System; to provide for electronic signatures and records, including but not limited to the legal effect of such signatures and records, the use of such signatures and records for system records, procedures for the use of such signatures and records, and definitions related thereto; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 495—**

BY REPRESENTATIVES SCHNEIDER, JOHN SMITH, CURTIS, DEWITT, DOERGE, DOWNER, HUDSON, WALSWORTH, ALARIO, R. ALEXANDER, BRUCE, BRUNEAU, R. CARTER, CAZAYOUX, DAMICO, DARTEZ, DONELON, ERDEY, FARRAR, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GUILLORY, HAMMETT, HEATON, HOPKINS, HUNTER, L. JACKSON, M. JACKSON, KENNARD, KENNEY, MCCALLUM, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PINAC, PRATT, RIDDLE, ROMERO, SALTER, SCHWEGMANN, JACK SMITH, JANE SMITH, THOMPSON, TOWNSEND, TRICHE, WADDELL, WELCH, AND WRIGHT

**AN ACT**

To amend and reenact R.S. 11:1307(A) and R.S. 22:1419(A)(3), relative to the State Police Pension and Retirement System; to provide with respect to benefits, including but not limited to the benefit accrual rate used for calculation of benefits, the age, service, and date of employment criteria used for determining eligibility for benefits, and the use of funds derived from assessments against insurers for the payment of actuarial costs related to increasing the benefit accrual rate and survivor benefits; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 521—**

BY REPRESENTATIVE RIDDLE

**AN ACT**

To amend and reenact R.S. 33:4574.1-A(A)(1)(e) and (g), relative to the tourist commissions in certain parishes; to increase the maximum rate of the hotel occupancy tax which such commissions may levy; and to provide for related matters.

**HOUSE BILL NO. 575—**

BY REPRESENTATIVE NEVERS

**AN ACT**

To enact Part IV-A of Chapter 4 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:852.1 through 852.23, to provide for titling and registering boats and outboard motors; to provide for declaration of policy; to provide for the use of funds; to provide for definitions; to provide for registration and certificates of title; to provide for fees; to provide for cancellation and surrender of certificates of title; to provide for security interests; to provide for rules; to provide for penalties; and to provide for related matters.

**HOUSE BILL NO. 737—**

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE

**AN ACT**

To enact R.S. 33:2740.51, to create an economic development district in East Baton Rouge Parish; to provide for governance and administration of the district; to provide for the powers and duties of the governing authority, including the authority to levy taxes and issue bonds subject to voter approval; and to provide for related matters.

**HOUSE BILL NO. 780—**

BY REPRESENTATIVE DURAND

**AN ACT**

To enact R.S. 33:1236(21)(e) and (30)(d), relative to the authority of the St. Martin Parish governing authority to regulate nuisances; to authorize the parish governing authority to regulate and provide for the removal of grass, weeds, trash, noxious matter, and the like, and of junk, wrecked or used automobiles, and other discarded items, in unincorporated areas in subdivisions or in clearly established residential areas on state highways or parish roads; to provide procedures, including charging the property owners for costs; to provide for enforcement, including provisions for charges to operate as a lien on the property; to provide for the ranking of such liens; and to provide for related matters.

**HOUSE BILL NO. 997—**

BY REPRESENTATIVE MCMAINS

**AN ACT**

To amend and reenact Code of Civil Procedure Article 2412(B) and 2413(A), relative to garnishment under a writ of fieri facias; to provide for service of garnishment petitions; to provide for notice of contradictory hearings when a garnishee fails to answer; and to provide for related matters.

**HOUSE BILL NO. 1392—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 11:448(A) and 450(C) and (D)(3), relative to the Louisiana State Employees' Retirement System; to provide relative to the Deferred Retirement Option Plan, including but not limited to the status of participants, employment after participation, and the death of a participant; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 1678—**

BY REPRESENTATIVES HUNTER, WALSWORTH, AND KATZ

**AN ACT**

To enact R.S. 33:2737.76, relative to authority for the Monroe City School Board to levy and collect an additional sales and use tax, including but not limited to the amount authorized, entities through which the sales and use tax is levied and collected, submission of questions of the imposition of the tax to the electors and the voting requirements for approval, and the time and manner for collection; and to provide for related matters.

**HOUSE BILL NO. 1732—**

BY REPRESENTATIVES LEBLANC, DEWITT, WINSTON, R. ALEXANDER, DOERGE, DURAND, GUILLORY, ILES, L. JACKSON, KATZ, MCCALLUM, PERKINS, SCHWEGMANN, SHAW, AND WELCH

**AN ACT**

To amend and reenact R.S. 46:460.6(A), (B)(1)(a), and (D) and to enact R.S. 46:460.6(B)(3)(d) and (e) and (4), relative to individual development accounts; to allow TANF funds to be used therefor; and to provide for related matters.

**HOUSE BILL NO. 1740—**

BY REPRESENTATIVE SCALISE

**AN ACT**

To amend and reenact R.S. 23:984, relative to contracts; to provide that contracts made in violation of this Subpart are not enforceable; to provide for state policy on labor relations matters and employee freedom of choice; to prohibit any interference with employers' and employees' full exercise of their rights as provided under the federal labor laws; and to provide appropriate remedies for any infringement on those rights; and to provide for related matters.

**HOUSE BILL NO. 1779—**

BY REPRESENTATIVE FAUCHEUX

**AN ACT**

To amend and reenact R.S. 37:3554(B), 3558, and 3562 and to enact R.S. 37:3559(E) and (F), relative to massage establishments; to provide for membership of the board; to provide relative to the issuance of licenses and certificates of registration; to provide for fees; to provide for annual audits; and to provide for related matters.



**HOUSE BILL NO. 2044 (Substitute for House Bill No. 1646 by Representative Martiny)—**

BY REPRESENTATIVES MARTINY, BRUCE, BRUNEAU, CAZAYOUX, DEVILLIER, FARRAR, HEATON, HEBERT, LAFLEUR, MORRELL, ROMERO, AND WOOTON AND SENATOR CRAVINS

**AN ACT**

To amend and reenact R.S. 27:3(4) through (8), 27(A)(introductory paragraph) and (C), 44(6), (7), (18), (19), and (20), 47, 58(9), 68(A), 70(A), 72(A), 74, 75(A), (B), (C), (D), and (E), 81, 91(A), 205(9), (10), (27), (28), and (33), 250, 251, 301(B)(6) and (11), 353(3) and (9), 363(B)(1), and 364(A)(1)(b)(iv), to enact R.S. 27:3(9) through (23), 27(D), 28 through 30.2, and 365(5), and to repeal R.S. 27:44(8), 70(B) and (C), 75(F), 76, 77, 78, 82, 83, 89, 91(D) and (E), 99, 205(11) and (19), 230(A) and (B), 238, 255, 263, 305(B), 311(A)(1) and (F), 361(B)(2), 362, 363(B)(2), (C), and (E), and 375(A), relative to the Louisiana Gaming Control Law; to revise certain statutory provisions regarding the regulation of gaming; to provide for definitions; to provide for suitability standards for certain gaming licensees; to provide for exceptions; to establish fees; to provide for the collection and disposition of fees; to provide for criteria for the issuance of manufacturers, gaming suppliers, and employee permits; to repeal certain duplicative language; to create the crime of false statements related to gaming; to create the crime of unlawful use of state issued identification to gain access to gaming facilities; to provide for penalties; to repeal existing provisions regarding appeals of decisions of the casino gaming corporation board and riverboat gaming commission; to provide for penalties for failure to renew a permit timely; to create the crime of unlawful use of an expired permit; to repeal obsolete local option provisions regarding riverboat gaming in Calcasieu and Ouachita Parishes; to repeal the provision of law requiring not more than sixty percent of video draw poker devices sold or distributed in the state were manufactured by the same manufacturer; to provide for an effective date; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions**

Senator Ullo asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE BILL NO. 483—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To enact Part I-A of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:408.1 through 408.5, relative to the Louisiana State Employees' Retirement System; to provide for electronic signatures and records, including but not limited to the legal effect of such signatures and records, the use of such signatures and records for system records, procedures for the use of such signatures and records, and definitions related thereto; to provide an effective date; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 495—**

BY REPRESENTATIVES SCHNEIDER, JOHN SMITH, CURTIS, DEWITT, DOERGE, DOWNER, HUDSON, WALSWORTH, ALARIO, R. ALEXANDER, BRUCE, BRUNEAU, R. CARTER, CAZAYOUX, DAMICO, DARTEZ, DONELON, ERDEY, FARRAR, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GUILLORY, HAMMETT, HEATON, HOPKINS, HUNTER, L. JACKSON, M. JACKSON, KENNARD, KENNEY, MCCALLUM, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PINAC, PRATT, RIDDLE, ROMERO, SALTER, SCHWEGMANN, JACK SMITH, JANE SMITH, THOMPSON, TOWNSEND, TRICHE, WADDELL, WELCH, AND WRIGHT

**AN ACT**

To amend and reenact R.S. 11:1307(A) and R.S. 22:1419(A)(3), relative to the State Police Pension and Retirement System; to provide with respect to benefits, including but not limited to the benefit accrual rate used for calculation of benefits, the age, service, and date of employment criteria used for determining eligibility for benefits, and the use of funds derived from assessments against insurers for the payment of actuarial costs related to increasing the benefit accrual rate and survivor benefits; to provide an effective date; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 521—**

BY REPRESENTATIVE RIDDLE

**AN ACT**

To amend and reenact R.S. 33:4574.1-A(A)(1)(e) and (g), relative to the tourist commissions in certain parishes; to increase the maximum rate of the hotel occupancy tax which such commissions may levy; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 575—**

BY REPRESENTATIVE NEVERS

**AN ACT**

To enact Part IV-A of Chapter 4 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:852.1 through 852.23, to provide for titling and registering boats and outboard motors; to provide for declaration of policy; to provide for the use of funds; to provide for definitions; to provide for registration and certificates of title; to provide for fees; to provide for cancellation and surrender of certificates of title; to provide for security interests; to provide for rules; to provide for penalties; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 737—**

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE

**AN ACT**

To enact R.S. 33:2740.51, to create an economic development district in East Baton Rouge Parish; to provide for governance and administration of the district; to provide for the powers and duties of the governing authority, including the authority to levy

taxes and issue bonds subject to voter approval; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 780—**

BY REPRESENTATIVE DURAND

**AN ACT**

To enact R.S. 33:1236(21)(e) and (30)(d), relative to the authority of the St. Martin Parish governing authority to regulate nuisances; to authorize the parish governing authority to regulate and provide for the removal of grass, weeds, trash, noxious matter, and the like, and of junk, wrecked or used automobiles, and other discarded items, in unincorporated areas in subdivisions or in clearly established residential areas on state highways or parish roads; to provide procedures, including charging the property owners for costs; to provide for enforcement, including provisions for charges to operate as a lien on the property; to provide for the ranking of such liens; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 997—**

BY REPRESENTATIVE MCMAINS

**AN ACT**

To amend and reenact Code of Civil Procedure Article 2412(B) and 2413(A), relative to garnishment under a writ of fieri facias; to provide for service of garnishment petitions; to provide for notice of contradictory hearings when a garnishee fails to answer; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1392—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 11:448(A) and 450(C) and (D)(3), relative to the Louisiana State Employees' Retirement System; to provide relative to the Deferred Retirement Option Plan, including but not limited to the status of participants, employment after participation, and the death of a participant; to provide an effective date; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1678—**

BY REPRESENTATIVES HUNTER, WALSWORTH, AND KATZ

**AN ACT**

To enact R.S. 33:2737.76, relative to authority for the Monroe City School Board to levy and collect an additional sales and use tax, including but not limited to the amount authorized, entities through which the sales and use tax is levied and collected, submission of questions of the imposition of the tax to the electors and the voting requirements for approval, and the time and manner for collection; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Education.

**HOUSE BILL NO. 1732—**

BY REPRESENTATIVES LEBLANC, DEWITT, WINSTON, R. ALEXANDER, DOERGE, DURAND, GUILLORY, ILES, L. JACKSON, KATZ, MCCALLUM, PERKINS, SCHWEGMANN, SHAW, AND WELCH

**AN ACT**

To amend and reenact R.S. 46:460.6(A), (B)(1)(a), and (D) and to enact R.S. 46:460.6(B)(3)(d) and (e) and (4), relative to individual development accounts; to allow TANF funds to be used therefor; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1740—**

BY REPRESENTATIVE SCALISE

**AN ACT**

To amend and reenact R.S. 23:984, relative to contracts; to provide that contracts made in violation of this Subpart are not enforceable; to provide for state policy on labor relations matters and employee freedom of choice; to prohibit any interference with employers' and employees' full exercise of their rights as provided under the federal labor laws; and to provide appropriate remedies for any infringement on those rights; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 1779—**

BY REPRESENTATIVE FAUCHEUX

**AN ACT**

To amend and reenact R.S. 37:3554(B), 3558, and 3562 and to enact R.S. 37:3559(E) and (F), relative to massage establishments; to provide for membership of the board; to provide relative to the issuance of licenses and certificates of registration; to provide for fees; to provide for annual audits; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 2044 (Substitute for House Bill No. 1646 by Representative Martiny)—**

BY REPRESENTATIVES MARTINY, BRUCE, BRUNEAU, CAZAYOUX, DEVILLIER, FARRAR, HEATON, HEBERT, LAFLEUR, MORRELL, ROMERO, AND WOOTON AND SENATOR CRAVINS

**AN ACT**

To amend and reenact R.S. 27:3(4) through (8), 27(A)(introductory paragraph) and (C), 44(6), (7), (18), (19), and (20), 47, 58(9), 68(A), 70(A), 72(A), 74, 75(A), (B), (C), (D), and (E), 81, 91(A), 205(9), (10), (27), (28), and (33), 250, 251, 301(B)(6) and (11), 353(3) and (9), 363(B)(1), and 364(A)(1)(b)(iv), to enact R.S. 27:3(9) through (23), 27(D), 28 through 30.2, and 365(5), and to repeal R.S. 27:44(8), 70(B) and (C), 75(F), 76, 77, 78, 82, 83, 89, 91(D) and (E), 99, 205(11) and (19), 230(A) and (B), 238, 255, 263, 305(B), 311(A)(1) and (F), 361(B)(2), 362, 363(B)(2), (C), and (E), and 375(A), relative to the Louisiana Gaming Control Law; to revise certain statutory provisions regarding the regulation of gaming; to provide for

definitions; to provide for suitability standards for certain gaming licensees; to provide for exceptions; to establish fees; to provide for the collection and disposition of fees; to provide for criteria for the issuance of manufacturers, gaming suppliers, and employee permits; to repeal certain duplicative language; to create the crime of false statements related to gaming; to create the crime of unlawful use of state issued identification to gain access to gaming facilities; to provide for penalties; to repeal existing provisions regarding appeals of decisions of the casino gaming corporation board and riverboat gaming commission; to provide for penalties for failure to renew a permit timely; to create the crime of unlawful use of an expired permit; to repeal obsolete local option provisions regarding riverboat gaming in Calcasieu and Ouachita Parishes; to repeal the provision of law requiring not more than sixty percent of video draw poker devices sold or distributed in the state were manufactured by the same manufacturer; to provide for an effective date; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Judiciary B.

### Messages from the House

The following Messages from the House were received and read as follows:

### Message from the House

#### ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

#### HOUSE CONCURRENT RESOLUTION NO. 121—

BY REPRESENTATIVE FRITH AND SENATOR HOYT

##### A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana on the death of Toxie Lee Bush, Jr. of Abbeville, who passed away on April 24, 2001.

#### HOUSE CONCURRENT RESOLUTION NO. 122—

BY REPRESENTATIVES MCMAINS, BROOME, BRUNEAU, CRANE, DANIEL, FUTRELL, HOLDEN, M. JACKSON, KENNARD, MCVEA, PERKINS, AND WELCH AND SENATORS DARDENNE, C. FIELDS, W. FIELDS, FONTENOT, AND MARIONNEAUX

##### A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Carlos G. Spaht of Baton Rouge.

#### HOUSE CONCURRENT RESOLUTION NO. 120—

BY REPRESENTATIVE HUTTER

##### A CONCURRENT RESOLUTION

To commend Delgado Community College on the occasion of its eightieth anniversary.

#### HOUSE CONCURRENT RESOLUTION NO. 117—

BY REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE AND SENATORS W. FIELDS, CRAVINS, AND C.D. JONES

##### A CONCURRENT RESOLUTION

To proclaim the week of October 7-13, 2001, as Alpha Phi Alpha Fraternity, Inc.'s "Project Alpha Week" and to provide for suitable observance of such week.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

### House Concurrent Resolutions

Senator Ullo asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

#### HOUSE CONCURRENT RESOLUTION NO. 117—

BY REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE AND SENATORS W. FIELDS, CRAVINS, AND C.D. JONES

##### A CONCURRENT RESOLUTION

To proclaim the week of October 7-13, 2001, as Alpha Phi Alpha Fraternity, Inc.'s "Project Alpha Week" and to provide for suitable observance of such week.

The resolution was read by title. Senator W. Fields moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	McPherson
Bajoie	Fields, W	Michot
Barham	Fontenot	Mount
Bean	Gautreaux	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullo
Ellington	Malone	
Total—29		

#### NAYS

Total—0

#### ABSENT

Boissiere	Hines	Marionneaux
Cravins	Irons	Tarver

Dupre  
Heitmeier  
Total—10

Lambert  
Lentini

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 120—

BY REPRESENTATIVE HUTTER

### A CONCURRENT RESOLUTION

To commend Delgado Community College on the occasion of its eightieth anniversary.

The resolution was read by title. Senator Johnson moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Fields, C	McPherson
Bajoie	Fields, W	Michot
Barham	Fontenot	Mount
Bean	Gautreaux	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullo
Ellington	Malone	
Total—29		

### NAYS

Total—0

### ABSENT

Boissiere	Hines	Marionneaux
Cravins	Irons	Tarver
Dupre	Lambert	
Heitmeier	Lentini	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 121—

BY REPRESENTATIVE FRITH AND SENATOR HOYT

### A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana on the death of Toxie Lee Bush, Jr. of Abbeville, who passed away on April 24, 2001.

The resolution was read by title. Senator Hoyt moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	McPherson
Bean	Gautreaux	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Ellington	Jones, C	Ullo
Total—30		

### NAYS

Total—0

### ABSENT

Boissiere	Heitmeier	Marionneaux
Cravins	Irons	Michot
Dupre	Lambert	Tarver
Total—9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 122—

BY REPRESENTATIVES MCMAINS, BROOME, BRUNEAU, CRANE, DANIEL, FUTRELL, HOLDEN, M. JACKSON, KENNARD, MCVEA, PERKINS, AND WELCH AND SENATORS DARDENNE, C. FIELDS, W. FIELDS, FONTENOT, AND MARIONNEAUX

### A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Carlos G. Spaht of Baton Rouge.

The resolution was read by title. Senator Dardenne moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Fields, W	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux	Mount
Bean	Hines	Romero
Cain	Hollis	Schedler
Campbell	Johnson	Smith
Chaisson	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Ellington	Lentini	Ullo
Fields, C	Malone	
Total—29		

### NAYS

Total—0

ABSENT

Boissiere	Heitmeier	Marionneaux
Cravins	Hoyt	Tarver
Dean	Irons	
Dupre	Lambert	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### Reports of Committees

The following reports of committees were received and read:

#### REPORT OF COMMITTEE ON

#### SENATE AND GOVERNMENTAL AFFAIRS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 2, 2001

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

#### SENATE CONCURRENT RESOLUTION NO. 17— BY SENATOR C. FIELDS

##### A CONCURRENT RESOLUTION

To urge and request the Department of Civil Service to modify the civil service rules and regulations so as to accept any college credit or degrees from schools which are a part of the Louisiana Community and Technical College System and which have been accredited by the Council of Occupational Education.

Reported favorably.

#### SENATE CONCURRENT RESOLUTION NO. 77— BY SENATORS W. FIELDS, CRAVINS AND C. JONES AND REPRESENTATIVES HOLDEN, HUDSON AND PIERRE

##### A CONCURRENT RESOLUTION

To express support of Alpha Phi Alpha Fraternity, Inc.'s Voter Education and Registration Campaign 2001 whereby the fraternity is in the process of educating and registering voters across the state of Louisiana.

Reported favorably.

#### SENATE CONCURRENT RESOLUTION NO. 82— BY SENATOR W. FIELDS, CRAVINS, AND C. D. JONES AND REPRESENTATIVES HOLDEN, HUDSON AND PIERRE

##### A CONCURRENT RESOLUTION

To express support of Alpha Kappa Alpha Sorority, Incorporated in its efforts to improve voting systems and address the results of the 2000 census as it applies to the to the redistricting.

Reported favorably.

#### SENATE BILL NO. 138— BY SENATOR ELLINGTON

##### AN ACT

To enact R.S. 42:1123(28), relative to the Code of Governmental Ethics; to exempt an elected official from the prohibition against contracting with his governmental body when there are preexisting contracts in existence; to require that the contract be in existence for at least a year prior to taking office; and to provide for related matters.

Reported with amendments.

#### SENATE BILL NO. 360— BY SENATOR HAINKEL

##### AN ACT

To enact R.S. 42:1123(28), relative to the Code of Governmental Ethics; to exempt immediate family members of public servants from the prohibition against performing volunteer work or donating property to that public servant's agency; and to provide for related matters.

Reported favorably.

#### SENATE BILL NO. 686— BY SENATOR HEITMEIER

##### AN ACT

To enact R.S. 44:4(29), relative to the public records law; to provide an exemption for nonpublic personal information of toll patrons of the Crescent City Connection Bridge and the Greater New Orleans Expressway; and to provide for related matters.

Reported favorably.

#### SENATE BILL NO. 697— BY SENATOR B. JONES

##### AN ACT

To enact R.S. 24:56(F), relative to lobbyists; to prohibit lobbyists from lobbying on a contingency fee basis; and to provide for related matters.

Reported favorably.

#### SENATE BILL NO. 905— BY SENATOR HAINKEL AND REPRESENTATIVE DEWITT

##### AN ACT

To enact R.S. 24:39, relative to the state capitol complex; to provide for security services within the state capitol complex; to create and to provide for the membership, powers, and duties of the Capitol Security Control Council; to authorize the council to establish rules and to provide for the enforcement thereof; to provide for the authority of public safety services within the Department of Public Safety and Corrections; to provide for traffic and parking infractions within the state capitol complex; to provide for vehicle impoundment and the imposition of penalties for traffic and parking infractions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1064—**

BY SENATOR HAINKEL

**AN ACT**

To amend and reenact R.S. 24:31.1(E), relative to expense allowances for legislators; to increase the monthly expense allowance in connection with the holding or conduct of office; to provide an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1087—**

BY SENATOR THOMAS

**AN ACT**

To enact R.S. 42:66(O) and to repeal R.S. 42:66(O) as enacted by this Act, relative to dual officeholding; to allow an unclassified state employee to hold an elective office as a member of a city, parish, or other local public school board; to provide for the termination of the provision; to provide an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1090—**

BY SENATOR SMITH

**AN ACT**

To enact Chapter 8-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:531 and 532, relative to historical monuments and memorials; to provide for the protection of monuments and memorials; to require the secretary of state to catalogue all monuments and memorials; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 16—**

BY REPRESENTATIVE BRUNEAU

**AN ACT**

To amend and reenact R.S. 18:1300.5, relative to recall petitions; to provide that a recall petition is a public record and to provide for the custodian thereof; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 33—**

BY REPRESENTATIVE BRUNEAU

**AN ACT**

To amend and reenact R.S. 24:772(B), relative to reports required or requested to be submitted to the legislature; requires that certain copies of such reports be filed with the David R. Poynter Legislative Research Library; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 677—**

BY REPRESENTATIVE GARY SMITH

**AN ACT**

To repeal R.S. 42:66(L)(2)(b), relative to the exception to the dual officeholding law to allow certain deputy sheriffs to continue to serve as part-time constables or marshals; repeals the provision making the exception inapplicable after a particular term of office.

Reported with amendments.

Respectfully submitted,  
CHRIS ULLO  
Chairman

**REPORT OF COMMITTEE ON****HEALTH AND WELFARE**

Senator Schedler, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

May 2, 2001

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 67—**

BY SENATOR IRONS

**A CONCURRENT RESOLUTION**

To create a special legislative committee to provide oversight over the use of federal TANF funds.

Reported with amendments.

**SENATE CONCURRENT RESOLUTION NO. 81—**

BY SENATORS W. FIELDS, CRAVINS, AND C.D. JONES AND REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE

**A CONCURRENT RESOLUTION**

To proclaim the week of October 7-13, 2001 as Alpha Phi Alpha Fraternity, Inc.'s "Project Alpha Week" and to provide for suitable observance of such week.

Reported favorably.

**SENATE BILL NO. 633—**

BY SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 37:752(7), 753(G), 760(A)(1), (4), and (9), 761(A)(1) and (4), 764(A)(2) and (5), 766, 767, 774, 777(A)(24), 778, 780(A)(2) and (B)(2), 781(A), 782, 783(B) and (C), 785, 787, 788(B)(3) and (5), 789(A) and (B), 793(A)(1)(d) and (e), (D)(1) and (3), (E), and (G)(2), to enact R.S. 37:760(C), and 776(D), and to repeal R.S. 37:788(D), relative to the practice of dentistry; to provide for definitions; to provide for appointments and powers and duties of the Louisiana State Board of Dentistry; to provide for requirement for applicants for dental and dental hygienist license; to provide for employment of a dental hygienist; to provide for disclosure of name of a licensee; to provide for adjudications against nonlicensees; to provide for the board to adjudicate charges against a licensee or unlicensed person for violation and to provide for civil penalty without a license; to provide for a board hearing, notice, penalty and charges; to provide relative to the issuance of subpoenas; to provide for criminal actions and injunctions simultaneous with proceedings before the board; to provide for duties of the attorney general relative to violations;

to provide for violations and penalties; to provide for administration of nitrous oxide inhalation analgesia, conscious sedation with parenteral drugs, deep sedation, general anesthesia and for definitions, reporting, permits, fees for permits, limitations and exceptions thereof; to make certain technical changes to correct citations; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 732—**

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1300.144(A)(2), relative to the Rural Hospital Preservation Act; to provide for reimbursement of rural hospitals under the medical assistance program; to provide for rules and regulations related thereto; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 751—**

BY SENATOR MOUNT

AN ACT

To enact Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1451 through 1459, relative to the establishment of residences for older children in foster care; to establish a system of licensure for such children's residences; to provide for the adoption of regulations; to establish fees and provide for inspections; to provide for penalties for operation without a license or in violation of regulations; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 816—**

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 46:56(F)(5), relative to confidential child welfare information; to provide authorization for the Department of Social Services to release confidential child welfare information to certain researchers; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 855—**

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 28:821(D) and 826, relative to community and family support systems; to create the Long-Term Care System Reform Task Force; to provide for the membership of the task force; to provide for the powers, duties, and functions of the task force; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1036—**

BY SENATOR BAJIOIE

AN ACT

To amend and reenact R.S. 40:2133(A) and 2136, relative to ambulatory surgical centers; to expand the definition of "ambulatory surgical center"; to provide for promulgation of rules, regulations, and minimum standards; to provide an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1042—**

BY SENATOR SCHEDLER

AN ACT

To enact Part X of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:221 through 236, relative to mental health; to provide for advance directives for mental health treatment; to provide for definitions; to provide for making of an advance directive and for period of validity; to provide for designation of a representative for decisions relative to mental health treatment; to provide for execution of advance directive and for witnesses thereof; to provide for operation of an advance directive and for physician and providers to act in accordance therewith; to provide for determination of incapacity; to provide for a representative's scope of authority and his powers, duties, and limitation on liability; to provide for prohibition against requiring a person to execute or refrain from executing an advance directive as a criterion for insurance, for receiving treatment, or discharging from a health care facility; to require an advance directive to be part of a person's medical record, for provider compliance, and for withdrawal of the provider; to provide circumstances for disregarding an advance directive; to provide for revocation; to provide for limitations on liability of physicians and other providers; to prohibit certain persons from serving as representatives and from serving as witnesses; to provide for withdrawal of representatives and rescinding the withdrawal; to provide for a form; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1043—**

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 46:159.1, relative to hospice care for terminally ill persons; to provide for the development of a pilot project for hospice care in the Medicaid program; to provide an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
TOM SCHEDLER  
Chairman

**Rules Suspended**

Senator Lentini asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 258 from the Committee on Insurance.

**SENATE BILL NO. 258—**

BY SENATOR LENTINI

**AN ACT**

To amend and reenact R.S. 22:1241(C) and 1245(B), and R.S. 23:1293(A)(3), and to repeal Subpart B of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1421 through 1429, relative to insurance; to provide relative to insurance fraud; to provide with respect to the insurance fraud investigation unit within the Department of Public Safety and Corrections; and to provide for related matters.

On motion of Senator Lentini, the bill was read by title and withdrawn from the files of the Senate.

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 2009 from the Committee on Finance.

**HOUSE BILL NO. 2009—**

BY REPRESENTATIVE LEBLANC

**AN ACT**

To appropriate funds from the State General Fund to the University of Louisiana Board of Supervisors - Nicholls State University for repairs and improvements to facilities for the New Orleans Saints Training Camp for the Fiscal Year 2000-2001; and to provide for related matters.

The bill was read by title and recommitted to the Committee on Finance.

**Message from the House****SIGNED HOUSE CONCURRENT RESOLUTIONS**

May 2, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 103—**

BY REPRESENTATIVE BROOME AND SENATORS C. FIELDS AND W. FIELDS

**A CONCURRENT RESOLUTION**

To commend Marsha Johnson "Marty" Evans, National Executive Director of the Girl Scouts of the United States of America, upon her visit to Baton Rouge.

**HOUSE CONCURRENT RESOLUTION NO. 105—**

BY REPRESENTATIVE POWELL

**A CONCURRENT RESOLUTION**

To commend and salute the Patient Relations Section of the Health Care Services Division and the individual patient representatives whose work has made the section a success.

**HOUSE CONCURRENT RESOLUTION NO. 106—**

BY REPRESENTATIVES MCMAINS, BAUDOUIN, BRUNEAU, K. CARTER, DANIEL, HOLDEN, ILES, PERKINS, AND PIERRE AND SENATORS DARDENNE, BAJOE, CAIN, CRAVINS, C. FIELDS, W. FIELDS, FONTENOT, HOYT, AND IRONS

**A CONCURRENT RESOLUTION**

To commend Amanda Byers, Morgan Chutz, Ashten Gilliam, Matthew Johnston, Shan King, Jennifer Pierre, Mike Tuckerson, and Euphoria Warren for receiving the Louisiana Young Heroes Awards.

**HOUSE CONCURRENT RESOLUTION NO. 108—**

BY REPRESENTATIVE KENNARD

**A CONCURRENT RESOLUTION**

To recognize May 1, 2001, as the second annual Louisiana Family Day and to urge the citizens and leaders of Louisiana to appropriately observe and support this significant occasion when the people of the state unite in an effort to strengthen and preserve Louisiana's families.

**HOUSE CONCURRENT RESOLUTION NO. 109—**

BY REPRESENTATIVE SCHNEIDER AND SENATORS HAINKEL, SCHEDLER, AND THOMAS

**A CONCURRENT RESOLUTION**

To express the sincere condolences of the Legislature of Louisiana upon the death of Judge Gus A. Fritchie, Jr. of Slidell.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs****ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 2, 2001

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 76—**

BY SENATORS THOMAS, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, C. FIELDS, W. FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN AND ULLO AND REPRESENTATIVES R. CARTER, NEVERS,



STRAIN, ALARIO, E. ALEXANDER, R. ALEXANDER, ANSARDI, BAUDOUIN, BAYLOR, BOWLER, BROOME, BRUCE, BRUNEAU, K. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DONELON, DOWNER, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALSWORTH, WELCH, WINSTON, WOOTON AND WRIGHT

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of former two-term state representative, Tyrus Cobb "Ty Cobb" Lanier.

**SENATE CONCURRENT RESOLUTION NO. 78—**

BY SENATORS C. JONES, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, DARDENNE, DEAN, DUPRE, ELLINGTON, C. FIELDS, W. FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HINES, HOLLIS, HOYT, IRONS, B. JONES, LAMBERT, LENTINI, MARIONNEAUX, MCPHERSON, MOUNT, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

**A CONCURRENT RESOLUTION**

To commend and congratulate Chancellor B.K. Agnihotri of Southern University Law Center on being selected to receive the YWCA Racial Justice Award for his leadership in efforts "to eliminate racism in the struggle for peace, justice, freedom, and dignity for all people."

**SENATE CONCURRENT RESOLUTION NO. 80—**

BY SENATOR ELLINGTON AND REPRESENTATIVES KENNEY AND WRIGHT

**A CONCURRENT RESOLUTION**

To commend and congratulate Chris Shivers on his numerous accomplishments as a professional bull rider.

Respectfully submitted,  
**CHRIS ULLO**  
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Heitmeier	1 Day	Lambert	1 Day
Theunissen	½ Day		

**Adjournment**

Senator Hollis moved that the Senate adjourn until Thursday, May 3, 2001, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Thursday, May 3, 2001.

MICHAEL S. BAER, III

Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk